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**INTERSTATE COMMERCE
COMMISSION CASES
IN THE FEDERAL COURTS**

1887 to 1914

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SECOND EDITION
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DIVISION OF INDICES



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1914**

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AUGUST 1914

LETTER OF TRANSMITTAL.

INTERSTATE COMMERCE COMMISSION,
DIVISION OF INDICES,
December 1, 1914.

TO THE COMMISSION:

The cases of the Interstate Commerce Commission, which have been reviewed by the Federal courts, since its organization to December 1, 1914, are scattered through so many volumes of reports and opinions and so vary in their titles that it is sometimes difficult to locate the different stages of the same proceeding before the successive tribunals.

This office is in receipt of constant requests for citations to these cases for verification, as precedents, or for answers to correspondents, until it has become necessary to prepare a complete list, with brief points decided, to save time and labor of inquiry or research of those in the other offices of the Commission who may require the information.

Such a list is herewith submitted with dates of decision, commissioner or judge delivering opinion, docket and opinion numbers, and such other data as will enable the reader to readily locate the opinion desired if further investigation requires.

Respectfully,

HENRY TALBOTT, *Chief.*

INTERSTATE COMMERCE COMMISSION.

JAMES S. HARLAN, OF ILLINOIS.

JUDSON C. CLEMENTS, OF GEORGIA.

EDGAR E. CLARK, OF IOWA.

CHARLES C. McCHORD, OF KENTUCKY.

BALTHASAR H. MEYER, OF WISCONSIN.

H. CLAY HALL, OF COLORADO.

WINTHROP MORE DANIELS, OF NEW JERSEY.

GEORGE B. MCGINTY, *Secretary.*

(5)

CASES IN THE FEDERAL COURTS.

[For table of cases see p. 95.]

COLORED PASSENGER CASE.

Heard v. Georgia R. R. Co.

1 I. C. C. 428. February 15, 1888.

Docket No. 46. Op. 31. Schoonmaker, *Comr.*

Negroes, who paid first-class fare, were not afforded passenger accommodations equal to those furnished to white passengers. *Held*, that this constitutes a violation of section 3, which the carriers are ordered to discontinue.

Heard v. Georgia R. R. Co.

3 I. C. C. 111. May 8, 1889. (See 3d Ann. Rep., 21.)

Docket No. 166. Op. 74. Bragg, *Comr.*

Denial to negro passengers of accommodations equal to those furnished white passengers, held to be in violation of section 3, which the carriers are ordered to discontinue.

Interstate Commerce Commission v. Georgia R. R. Co.

Not reported. (For pleadings see 5th Ann. Rep., 302-307.)

C. C., N. D. Ga., E. D.

Bill filed by Commission for enforcement of its order, but case was discontinued in 1899, the reasons for further prosecuting the case having largely disappeared.

KENTUCKY & INDIANA BRIDGE CASE.

Kentucky & Indiana Bridge Co. v. Louisville & Nashville R. R. Co.

2 I. C. C. 162; 2 I. C. C., 193. August 2, 1888. (See 2d Ann. Rep., 11.)

Docket No. 118. Ops. 49 and 50. Cooley and Schoonmaker, *Comrs.*

Defendant carrier ordered to cease denying to complainant bridge company facilities for the interchange of traffic, on the ground that such bridge company is a common carrier and that such denial is a violation of the second paragraph of section 3 of the act.

Kentucky & Indiana Bridge Co. v. Louisville & Nashville R. R. Co.

37 Fed. 567. January 7, 1889.

C. C., D. Ky. Jackson, *J.*

Commission's order held to be invalid on the ground that the bridge company is not a common carrier and therefore not entitled to compel a railroad company to transact business with or through it.

Kentucky & Indiana Bridge Co. v. Louisville & Nashville R. R. Co.

149 U. S. 777. March 30, 1893. *Per curiam.*

Case discontinued and appeal dismissed under Supreme Court rule No. 10.

PARTY RATE CASE.

Pittsburgh, Cincinnati & St. Louis Ry. Co. v. Baltimore & Ohio R. R. Co.

3 I. C. C. 465. February 21, 1890. (See 4th Ann. Rep., 9.)

Docket No. 215. Op. 83½. Veazey, *Comr.*

Defendant carrier ordered to cease issuing party-rate tickets, by means of which each member of a group can travel at a rate of fare that is lower than the ordinary fare charged an individual passenger traveling alone, on the ground that such party rates are illegal and constitute an unjust discrimination.

Interstate Commerce Commission v. Baltimore & Ohio R. R. Co.

43 Fed. 37. August 11, 1890.

C. C., S. D., Ohio, W. D. Jackson, *J.*

Commission's order held to be invalid on ground that party rates are not illegal nor in violation of sections 2 and 3.

Interstate Commerce Commission v. Baltimore & Ohio R. R. Co.

145 U. S. 263. May 16, 1892. Brown, *J.*

Commission's order held to be invalid on the ground stated by the circuit court. *Held further*, that section 22, permitting the issuance of commutation, excursion, and mileage tickets, is illustrative rather than exclusive.

FREE CARTAGE CASE.

Stone & Carten v. Detroit, Grand Haven & Milwaukee Ry. Co.

3 I. C. C. 613. April 26, 1890.

Docket No. 149. Op. 90. Cooley, *Comr.*

On traffic moving from Philadelphia, Pa., carriers ordered to cease furnishing free cartage, without tariff authority, at Grand Rapids, Mich., the farther-distance point, while denying such free service at Ionia, Mich., a shorter-distance point (1) on the ground that it constituted an illegal rebate; and (2) on the ground that it constituted a violation of section 4 in this: that, the transportation rate being the same to both Grand Rapids and Ionia, the imposition of an additional charge for the cartage service at Ionia while no such charge was imposed at Grand Rapids, made the total charges higher for the shorter haul.

Interstate Commerce Commission v. Detroit, Grand Haven & Milwaukee Ry. Co.

57 Fed. 1005. October 6, 1893.

C. C., W. D., Mich., S. D. Taft, *J.*

Commission's order held to be valid on the ground that the facts show a violation of section 4.

Interstate Commerce Commission v. Detroit, Grand Haven & Milwaukee Ry. Co.

167 U. S. 633. May 24, 1897. Shiras, *J.*

Commission's order held to be invalid (1) on the ground that the granting of free cartage at Grand Rapids is not a rebate nor in violation of section 6 because such privilege had been openly and notoriously enjoyed for 25 years and further because the Commission had not directed the carriers to include such matters in their tariffs; and (2) on the ground that there is no violation of section 4 for the reason that the long-and-short haul provision can have no application to this case, because section 4 has in view only the transportation of passengers and property by rail.

INTERCHANGE OF TRAFFIC CASE.

New York & Northern Ry. Co. v. New York & New England R. R. Co.

4 I. C. C. 702. May 6, 1891. (See 5th Annual Rep., 49.)

Docket No. 268. Op. 123. Cooley, *Comr.*

Defendant carrier ordered to cease denying to complainant carrier facilities for the interchange of traffic, on the ground that such denial constitutes a violation of the second paragraph of section 3.

New York & Northern Ry. Co. v. New York & New England R. R. Co.

50 Fed. 867. May 31, 1892.

C. C. S. D. N. Y. Lacombe, *J.*

Commission's order held to be valid. No appeal.

MANUFACTURERS' COAL-RATE CASE.

In re Rates on Coal by Louisville & Nashville R. R. Co.

5 I. C. C. 466. November 17, 1892.

Docket No. 307. Op. 146. McDill, *Comr.*

Carriers ordered to reduce to a specified amount the rate on coal to Nashville, Tenn., on the ground that the existing rate is unreasonable and unjustly discriminatory as compared with the rate to Memphis, Tenn. Carriers further ordered to discontinue the practice of charging different rates on coal during different seasons of the year, on the ground that this constitutes an unjust discrimination. Carriers further ordered to discontinue a special rate on coal when used for manufacturing purposes, on the ground that this constituted an unjust discrimination.

Interstate Commerce Commission v. Louisville & Nashville R. R. Co.

73 Fed. 409. April 17, 1896.

C. C., M. D. Tenn. Clark, *J.*

Commission's order held to be invalid on the grounds (1) that the Commission is without power to fix rates and especially to make a rate to one point bear a definite relation to a rate to another point; (2) that a carrier has the right to charge different rates at different seasons of the year; and (3) that the facts do not show a violation of sections 2 and 3 of the act.

Interstate Commerce Commission v. Louisville & Nashville R. R. Co.

Not reported.

C. C. A. 6th Cir.

Appeal by Commission abandoned for the reason that the Supreme Court had decided, in the meantime, that the Commission is without power to fix rates. (Senate hearings, Committee on Interstate Commerce, 1904-1905, vol. 5, p. 313.)

SOCIAL CIRCLE CASE.

James & Mayer Buggy Co. v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

4 I. C. C. 744. June 29, 1891.

Docket No. 245. Op. 125. Morrison, *Comr.*

Carriers ordered to cease charging any rates on buggies and carriages, which are higher for the shorter haul to Social Circle, Ga., than for the longer haul to Augusta, Ga., on the ground that such rates are in violation of section 4.

Carriers further ordered to reduce to a specified amount the rates on buggies and carriages from Cincinnati to Atlanta, Ga., on the ground that the existing rate was unreasonable. Among the carriers bound by the order was the Georgia Railroad Co., whose road was wholly within the State of Georgia, which was held to be subject to the act, on the ground that it participated in the continuous carriage of interstate traffic, moving under through bills of lading under a conventional arrangement for a division of the through rates.

Interstate Commerce Commission v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

56 Fed. 925. June 3, 1893.

C. C., N. D. Ga. Newman, J.

Commission's order to be invalid (1) on the ground that there is no violation of section 4, because the rate to Social Circle was over a "different line"; (2) on the ground that the rate to Atlanta was not unreasonable in view of new facts adduced before the court which showed that lower rates, as compared with which the rate was held unreasonable, were compelled by competition; and (3) on the ground that the Georgia Railroad was not subject to the act.

Interstate Commerce Commission v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

13 U. S. Apps. 730; 4 I. C. Rep. 582. May 29, 1894.

C. C. A. 5th Cir. *Per curiam*.

Commission's order held to be valid (1) in so far as a violation of section 4 is concerned, and (2) in so far as it held the Georgia Railroad Co. subject to the act. Commission's order held invalid in so far as it condemned as unreasonable the rate to Atlanta.

Cincinnati, New Orleans & Texas Pacific Ry. Co. v. Interstate Commerce Commission.

Interstate Commerce Commission v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

162 U. S. 184. March 30, 1896. Shiras, J.

Commission's order held to be valid (1) in so far as it held the rates to Social Circle to be in violation of section 4, and (2) in so far as it held the Georgia Railroad Co. to be subject to the act. Commission's order held invalid in so far as it condemned as unreasonable the rate to Atlanta. It was further held that the Commission is without power to fix rates.

RAILROAD COMMISSION CASE.

Railroad Commission of Florida v. Savannah, Florida & Western Ry. Co.

5 I. C. C. 13. October 29, 1891.

5 I. C. C. 136. February 9, 1892.

Docket No. 282. Ops. 128 and 135. *By the Commission*.

Carriers ordered to reduce to a specified amount their rates on oranges and lemons from Florida to New York City and other eastern points, on the ground that the existing rates are unreasonable. Reparation awarded.

Florida Fruit Exchange v. Savannah, Florida & Western Ry. Co.

4 I. C. Rep. 400. December 1, 1892.

C. C. N. D. Fla. Swayne, J.

Commission's order held to be valid.

Savannah, Florida & Western Ry. Co. v. Florida Fruit Exchange.

4 I C. Rep. 589. May 29, 1894.

C. C. A., 5th Cir. *Per curiam.*

Commission's order held to be valid.

Savannah, Florida & Western Ry. Co. v. Florida Fruit Exchange.

167 U. S. 512. May 24, 1897. *Brewer, J.*

Following *I. C. C. v. C., N. O. & T. P. Ry. Co.* (167 U. S., 479), Commission's order held to be invalid, on the ground that the Commission is without power to fix rates.

RAWORTH CASE.

Raworth v. Northern Pacific Ry. Co.

5 I. C. C. 234. April 13, 1892.

Docket No. 240. Op. 141. *Veazey, Comr.*

Defendants ordered to discontinue their practice of charging higher rate for the shorter haul to Fargo, N. Dak., from San Francisco on sugar than for the longer haul to St. Paul, Minn. It was held that the higher rate to Fargo constitutes a violation of section 4.

Interstate Commerce Commission v. Northern Pacific Ry. Co.

Not reported.

C. C. D. N. Dak.

Suit by Commission to enforce obedience to its order discontinued on account of adverse decisions of the Supreme Court in other cases involving section 4. (Senate Hearings, Committee on Interstate Commerce, 1904-5, vol. 5, p. 330.)

BRIMSON CASE.

In re Calumet & Blue Island Ry. Co.

Order of investigation entered June 20, 1892.

Docket No. 341. (See 6th Ann. Rep., 11.)

During this investigation by the Commission into the operation of the Calumet & Blue Island and several other switching roads at Chicago, Ill., for the purpose of ascertaining whether the operation thereof resulted in an undue preference in favor of the Illinois Steel Co., W. C. Brimson and other witnesses declined to answer certain questions and refused to produce certain documents, on the ground that they might tend to incriminate themselves.

^u- **In re Interstate Commerce Commission.**

(^E **53 Fed. 476.** December 7, 1892.

C. C. N. D. Ill. *Gresham, J.*

Application by Commission for an order compelling witness to testify and produce documents dismissed on ground that section 12, in so far as it assumes to authorize Federal circuit courts to make orders enforcing subpoenas issued by the Commission, is unconstitutional as imposing on judicial tribunals duties that are not judicial in their nature. In the judgment of the court, such a proceeding is not a "case" to which the judicial power of the United States extends.

Interstate Commerce Commission v. Brimson.

154 U. S. 447. May 26, 1894. Harlan, J.

Lower court reversed, Supreme Court holding that a proceeding to compel the attendance of a witness before the Commission, or to compel him to answer questions or produce documents, is a "case" of which the Federal courts have jurisdiction.

Interstate Commerce Commission v. Brimson.

155 U. S. 3. October 26, 1894.

Dissenting opinion of Justice Brewer.

HOPKINS CASE.

In re Alleged Unlawful Charges for Transportation from Chicago to Eastern Seaboard Points by the Baltimore & Ohio R. R. Co., and other Companies.
Order of investigation entered June 24, 1892.

Docket No. 342. (See 6th Ann. Rep., 11.)

During the investigation by the Commission, at Chicago, Ill., into the matter of rebates, Sumner Hopkins and Henry Walker declined to answer certain questions.

In re Interstate Commerce Commission.

53 Fed. 481. December 7, 1892.

C. C. N. D. Ill. Gresham, J.

The court declined to order the witnesses to answer the questions, on the ground that the court proceeding was not a "case" to which the Federal judicial power extended. Section 12 was held unconstitutional in so far as it assumes to authorize Federal courts to make orders enforcing subpoenas issued by the Commission.

NOTE.—In the companion case of *Interstate Commerce Commission v. Brimson* (154 U. S., 447; 155 U. S., 3) it was held that section 12 is not unconstitutional, and that such a proceeding is a "case" of which the Federal courts have jurisdiction.

GEORGIA COMMISSION CASE.

Trammel v. Clyde Steamship Co.

Same v. Clyde Steamship Co.

Same v. Ocean Steamship Co.

Same v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

Same v. Western & Atlantic R. R. Co.

Same v. South Carolina R. R. Co.

Same v. Louisville & Nashville R. R. Co.

5 I. C. C. 324. November 11, 1892.

Docket Nos. 314, 315, 316, 317, 324, 325, 326. Op. 144. Veazey, *Comr.*

Nos. 324 and 325 dismissed. In the other cases carriers ordered to cease charging the existing rates from the Atlantic seaboard, Cincinnati, etc., which are higher for the shorter haul to certain Georgia cities than for the longer haul to Atlanta, Ga., and other points, on the ground that the existing rates are in violation of section 4.

Interstate Commerce Commission *v.* Western & Atlantic R. R. Co.

88 Fed. 186. June 15, 1898.

C. C. N. D. Ga. Newman, *J.*

Commission's order held to be invalid, on the ground that the Commission erred in not considering competition between carriers subject to the act as an element creating a dissimilarity of circumstances that justifies the existing rate adjustment.

Interstate Commerce Commission *v.* Clyde Steamship Co. (two cases).

Same *v.* Ocean Steamship Co.

Same *v.* Cincinnati, New Orleans & Texas Pacific Ry. Co.

Not reported.

C. C. N. D. Ga.

These companion cases were discontinued pending final determination of *I. C. C. v. W. & A. R. R. Co.* (88 Fed., 186.)

Interstate Commerce Commission *v.* Western & Atlantic R. R. Co.

Same *v.* Clyde Steamship Co.

93 Fed. 83. March 21, 1899.

C. C. A., 5th Cir. McCormick, *J.*

Commission's order held to be invalid on the ground stated by the circuit court.

Interstate Commerce Commission *v.* Clyde Steamship Co. (two cases).

Same *v.* Western & Atlantic R. R. Co.

181 U. S. 29. April 8, 1901. White, *J.*

Commission's order held to be invalid, on the ground that the Commission erred in not considering competition between carriers subject to the act as an element creating dissimilarity of circumstances that justifies the existing rate adjustment.

PENN REFINING CASE.

Independent Refiners' Asso. of Titusville *v.* Western New York & Pennsylvania R. R. Co.

5 I. C. C. 415. November 14, 1892. (See 6th Ann. Rep., 18.)

Docket Nos. 153, 154, 163. Op. 145. McDill, *Comr.*

Carriers ordered to cease charging an additional sum for the transportation of the barrel in connection with the shipment of oil in barrels while imposing no additional charge for the transportation of the tank in connection with the shipment of oil in tanks, or else furnish tank cars to all shippers applying therefor, on the ground that the existing practice constitutes an undue prejudice. Reparation to be awarded.

Independent Refiners' Asso. of Titusville *v.* Pennsylvania R. R. Co.

6 I. C. C. 52. October 19, 1893.

Docket No. 163. Op. 160. *By the Commission.*

Rehearing granted to Pennsylvania R. R. Co.

Independent Refiners' Asso. of Titusville *v.* Western New York & Pennsylvania R. R. Co.

6 I. C. C. 378. October 22, 1895. (See 9th Ann. Rep., 33.)

Docket Nos. 153, 154. Op. 178. *By the Commission.*

Reparation awarded to shippers paying the additional charge on barrel-oil shipments.

Independent Refiners' Asso. of Titusville v. Pennsylvania R. R. Co.

6 I. C. C. 449. October 22, 1895. *By the Commission.*

Docket No. 163. Op. 178.

Upon rehearing it was determined that claimants not having proved their individual claims, suit should be brought by them under section 16 for enforcement of Commission's order defining basis of reparation.

Interstate Commerce Commission v. Western New York & Pennsylvania R. R. Co.

82 Fed. 192. July 3, 1897.

C. C. W. D. Pa. Acheson, J.

Commission's order held to be valid. Carriers ordered to obey such order except that part of the order which awarded pecuniary reparation, the court holding that an equity court has no jurisdiction of the reparation feature, the proper tribunal being a law court.

Penn Refining Co. v. Western New York & Pennsylvania R. R. Co.

Not reported. February 12, 1903.

C. C. W. D. Pa.

Damages awarded to shippers in two statutory law actions, based on Commission's award.

Western New York & Pennsylvania R. R. Co. v. Penn Refining Co.

137 Fed. 343. May 1, 1905.

C. C. A., 3d Cir. Bradford, J.

Judgments in favor of shippers reversed on the ground, among others, that the mere opinions of the Commission are inadmissible in evidence in actions for enforcement of awards of reparation, the court holding that the "findings" of the Commission made prima facie evidence by the law are those findings so prepared and arranged in the Commission's reports that they can be offered in evidence unaccompanied by extraneous or incompetent legal arguments, opinions, or conclusions.

Penn Refining Co. v. Western New York & Pennsylvania R. R. Co.

208 U. S. 208. January 27, 1908. Peckham, J.

Judgment of court of appeals, denying pecuniary reparation, affirmed on the ground that barrel-oil shippers who had not demanded tank cars can not be said to have been discriminated against; that there is no showing that the barrel-oil shippers had demanded tank cars; and that, therefore, they are not entitled to pecuniary reparation for the amounts paid by them on the barrels.

SPOKANE CASE.

Merchants' Union of Spokane Falls v. Northern Pacific R. R. Co.

5 I. C. C. 478. November 28, 1892. (See 6th Ann. Rep., 14.)

Docket No. 189. Op. 147. Knapp, *Comr.*

Carriers ordered to cease charging the existing class rates on mixed carload lots at carload rates from the east, which are higher for the shorter haul to Spokane, Wash., than for the longer haul to Pacific coast points, on the ground that such rates are unreasonable and in violation of section 4 to the extent that they exceed the rates prescribed by the Commission. As to commodity rates competition found to justify difference.

Farmers' Loan & Trust Co. v. Northern Pacific Ry. Co.

83 Fed. 249. October 16, 1897.

C. C. D. Wash., N. D. Hanford, *J.*

Commission's order held to be invalid (1) on the ground that the Commission is without power to fix rates and (2) on the ground that the order is too indefinite. No appeal.

MINNEAPOLIS GRAIN CASE.

Chamber of Commerce of Minneapolis v. Great Northern Ry. Co.

5 I. C. C. 571. January 3, 1893. (See 7th Ann. Rep., 21.)

Docket No. 329. Op. 150. McDill, *Comr.*

Carriers ordered to cease charging the existing rates on wheat from North and South Dakota to Minneapolis, Minn., on the ground that such rates are unduly prejudicial as compared with rates to Duluth and other Lake ports.

Interstate Commerce Commission v. Chicago, Milwaukee & St. Paul Ry. Co.

Not reported.

C. C., D. Minn.

This case was discontinued, the carriers having complied with the Commission's order as modified in accordance with the request of both carriers and shippers. (Senate hearings, Committee on Interstate Commerce, 1904-5, vol. 5, p. 313.)

CHATTANOOGA BOARD OF TRADE CASE.

Board of Trade of Chattanooga v. East Tennessee, Virginia & Georgia Ry. Co.

5 I. C. C. 546. December 30, 1892.

Docket No. 259. Op. 151. Knapp, *Comr.*

Carriers ordered to cease charging the existing rates from the Atlantic seaboard, which are higher for the shorter haul to Chattanooga, Tenn., than for the longer haul to Nashville, Tenn., on the ground that the existing rates are in violation of section 4.

Interstate Commerce Commission v. East Tennessee, Virginia & Georgia Ry. Co.

85 Fed. 107. February 2, 1893.

C. C., E. D. Tenn., S. D. Severens, *J.*

Commission's order held to be valid on ground that facts show a violation of sections 3 and 4.

East Tennessee, Virginia & Georgia Ry. Co. v. Interstate Commerce Commission.

99 Fed. 52. November 13, 1899.

C. C. A., 6th Cir. Taft, *J.*

Commission's order held to be valid on ground that facts show a violation of sections 3 and 4.

East Tennessee, Virginia & Georgia Ry. Co. v. Interstate Commerce Commission.

181 U. S. 1. April 8, 1901. White, *J.*

Commission's order held to be invalid on ground that Commission erred in not considering competition between carriers subject to the act as an element creating dissimilarity of circumstances that justifies the existing rate adjustment.

Chamber of Commerce of Chattanooga *v.* Southern Ry. Co.

10 I. C. C. 111. March 12, 1904. (See 18th Ann. Rep., 55.)

Docket No. 613. Op. 301. Knapp, *Comr.*

Following ruling of Supreme Court, held that the facts do not show a violation of the act on the ground that competition between carriers subject to the act justifies the existing rate adjustment.

MIDDLESBOROUGH BEER CASE.

Gerke Brewing Co. *v.* Louisville & Nashville R. R. Co.

5 I. C. C. 596. February 28, 1893.

Docket No. 311. Op. 152. Veazey, *Comr.*

On beer from Cincinnati, Ohio, defendant carriers ordered to discontinue their practice of charging a higher rate for the shorter haul to Middlesborough Ky., than for the longer haul to Lynchburg, Va. It was held that the higher rate to Middlesborough constitutes a violation of section 4.

Interstate Commerce Commission *v.* Louisville & Nashville R. R. Co.

C. C. S. D. Ohio.

Suit by Commission to enforce obedience to its order discontinued on account of adverse decisions of the Supreme Court in other cases involving section 4 (Senate Hearings, Committee on Interstate Commerce, 1904-5; vol. 5, p. 330.)

TROY CASE.

Board of Trade of Troy *v.* Alabama Midland Ry. Co.

6 I. C. C. 1. August 15, 1893.

Docket No. 347. Op. 158. Clements, *Comr.*

Carriers ordered to reduce to a specified amount the existing class rates and rates on cotton and phosphate rock from and to eastern and northeastern points which are higher for the shorter haul to and from Troy, Ala., than for the longer haul to and from various points, on the ground that the existing rates are in violation of section 4.

Interstate Commerce Commission *v.* Alabama Midland Ry. Co.

69 Fed. 227. July 9, 1895.

C. C., M. D. Ala. Bruce, *J.*

Commission's order held to be invalid on the ground that water competition and competition between carriers subject to the act justifies the existing rate adjustment.

Interstate Commerce Commission *v.* Alabama Midland Ry. Co.

74 Fed. 715. June 2, 1896.

C. C. A., 5th Cir. McCormick, *J.*

Commission's order held to be invalid on the ground stated by the circuit court.

Interstate Commerce Commission *v.* Alabama Midland Ry. Co.

168 U. S. 144. November 8, 1897. Shiras, *J.*

Commission's order held to be invalid on the ground that there is no violation of sections 3 and 4 on account of water competition and competition of carriers subject to the act, and further on the ground that the Commission is without power to fix rates.

WINDOW SHADES CASE.

Page *v. Delaware, Lackawanna & Western R. R. Co.*

6 I. C. C. 148. March 23, 1894. (See 8th Ann. Rep., 30.)

Docket No. 363. Op. 166. Veazey, *Comr.*

Carriers ordered to cease charging a higher rate on window shades than on window hollands and shade cloth, on the ground that the existing classification is unreasonable.

Interstate Commerce Commission *v. Delaware, Lackawanna & Western R. R. Co.*

64 Fed. 723. December 3, 1894.

C. C., N. D. N. Y. Wallace, *J.*

Commission's order held to be invalid on the ground that the Commission erred in ignoring the element of value in fixing the same rate on all articles of a certain kind, some of which are worth \$3 and others \$10, thus denying to the carrier remuneration for the additional risk in the case of articles of the greater value.

Interstate Commerce Commission *v. Delaware, Lackawanna & Western R. R. Co.*

64 Fed. 723. December 3, 1894.

C. C., N. D. N. Y. Wallace, *J.*

Upon a certificate from the Commission stating, in substance, that the Commission did not intend to make its order as broad as its terms import, a rehearing was denied on the ground that the court can not substitute for an order actually made such an order as the Commission might or should make or such an order as the Commission intended to make. No appeal.

Page *v. Delaware, Lackawanna & Western R. R. Co.*

6 I. C. C. 548. March 4, 1896. (See 10th Ann. Rep., 69.)

Docket No. 363. Op. 184. *By the Commission.*

Upon rehearing, the Commission entered a new order containing the same general requirements, but with a proviso permitting the carriers to restrict the application of the reduced rate to window shades of a certain value. Subsequently the original order was substantially complied with by the lines directly interested. (Senate Hearings, Committee on Interstate Commerce, 1904-5, vol. 5, p. 315.)

 MAXIMUM-RATE CASE.

Freight Bureau of Cincinnati Chamber of Commerce *v. Cincinnati, New Orleans & Texas Pacific Ry. Co.*

Chicago Freight Bureau *v. Louisville, New Albany & Chicago Ry. Co.*

6 I. C. C. 195. May 29, 1894.

Docket Nos. 322, 323. Op. 168. Clements, *Comr.*

Carriers ordered to reduce to a specified amount their rates on manufactured articles from Chicago, Ill., and Cincinnati, Ohio, to southern territory on the ground that such rates are unduly prejudicial as compared with rates on like traffic from the east.

Shinkle, Wilson & Kreis Co. *v. Louisville & Nashville R. R. Co.*

Not reported.

C. C. S. D. Ohio, W. D. Taft, *J.*

Temporary restraining order compelling carriers to comply with Commission's order granted. (Senate Hearings, Committee on Interstate Commerce, 1904-5, vol. 5, p. 315.)

Shinkle, Wilson & Kreis Co. v. Louisville & Nashville R. R. Co.

62 Fed. 690. July 30, 1894.

C. C. S. D. Ohio, W. D. Lurton, *J.*

Temporary injunction compelling carriers to comply with Commission's order until final determination of the case, denied. Temporary restraining order vacated.

Interstate Commerce Commission v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

64 Fed. 981. November 30, 1894.

C. C. S. D. Ohio, W. D. Sage, *J.*

Temporary restraining order compelling carriers to comply with Commission's order pending determination of the case, denied.

Interstate Commerce Commission v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

76 Fed. 183. October 8, 1896.

C. C. S. D. Ohio, W. D. Sage, *J.*

Commission's order held to be invalid on the ground that the Commission is without power to fix rates.

Shinkle, Wilson & Kreis Co. v. Louisville & Nashville R. R. Co.

76 Fed. 1007. October 8, 1896.

C. C. S. D. Ohio, W. D. Sage, *J.*

Commission's order held to be invalid on the ground that the Commission is without power to fix rates.

Interstate Commerce Commission v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

C. C. A. 6th Cir.

The case, undecided, was certified to the Supreme Court.

Interstate Commerce Commission v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

167 U. S. 479. May 24, 1897. Brewer, *J.*

Commission's order held to be invalid on the ground that the Commission is without power to fix rates.

SUMMERVILLE HAY CASE.

Behlmer v. Memphis & Charleston R. R. Co.

6 I. C. C. 257. June 27, 1894. (See 8th Ann. Rep., 18.)

Docket No. 362. Op. 169. Yeomans, *Comr.*

Carriers ordered to cease charging their existing rates on hay and other articles, which are higher for the shorter haul to Summerville, S. C., than for the longer haul to Charleston, S. C., from Memphis, Tenn., on the ground that such rates are in violation of section 4.

Behlmer v. Louisville & Nashville R. R. Co.

71 Fed. 835. January 22, 1896.

C. C. D. S. C. Simonton, *J.*

Commission's order held to be invalid on the ground that competition between railroads subject to the act justifies the existing rate adjustment.

Behlmer v. Louisville & Nashville R. R. Co.

83 Fed. 898. November 3, 1897.

C. C. A. 4th Cir. Goff, *J.*

Commission's order held to be valid on the ground that the facts showed a violation of section 4.

Louisville & Nashville R. R. Co. v. Behlmer.

169 U. S. 644. March 28, 1898. Fuller, *J.*

Held that appeal to Supreme Court operates as a supersedeas and stays execution of decree of circuit court of appeals.

Louisville & Nashville R. R. Co. v. Behlmer.

175 U. S. 648. January 8, 1900. White, *J.*

Commission's order held to be invalid on the ground that the Commission erred in not considering competition of railroads subject to the act as an element justifying the existing rate adjustment.

CHARLESTON TRUCK FARMERS' CASE.

Truck Farmers' Asso. of Charleston v. Northeastern R. R. Co. of South Carolina.

6 I. C. C. 295. April 6, 1895. (See 9th Ann. Rep., 32.)

Docket No. 364. Op. 174. Clements, *Comr.*

Carriers ordered to reduce to a specified amount their rates on strawberries and certain vegetables from Charleston, S. C., to northeastern markets, on the ground that the existing rates are unreasonable.

Interstate Commerce Commission v. Northeastern R. R. Co. of South Carolina.

74 Fed. 70. April 30, 1896.

C. C. D. S. C. Simonton, *J.*

Commission's order held to be invalid on the ground that the Commission is without power to fix rates.

Interstate Commerce Commission v. Northeastern R. R. Co. of South Carolina.

83 Fed. 611. November 3, 1897.

C. C. A. 4th Cir. Goff, *J.*

Commission's order held to be invalid on ground that Commission is without power to fix rates. No appeal.

IRON RATE CASE.

Colorado Fuel & Iron Co. v. Southern Pacific Co.

6 I. C. C. 488. November 25, 1895. (See 9th Ann. Rep., 40.)

Docket No. 402. Op. 181. Clements, *Comr.*

Carriers ordered to reduce to a specific amount their rates on iron and steel products from Pueblo, Colo., to San Francisco, Cal., on the ground that the existing rates are unreasonable and unduly prejudicial. Damages denied for want of proof.

Interstate Commerce Commission v. Southern Pacific Co.

74 Fed. 42. May 12, 1896.

C. C. D. Colo. Hallett, J.

Held that this suit to enforce Commission's order was brought in the proper Federal district court and that the court has jurisdiction to determine the case.

Colorado Fuel & Iron Co. v. Southern Pacific Co.

Not reported. 1899.

C. C. D. Colo.

Commission's order held to be valid. Award of damages to shippers denied.

Southern Pacific Co. v. Colorado Fuel & Iron Co.

Colorado Fuel & Iron Co. v. Southern Pacific Co.

101 Fed. 779. April 16, 1900.

C. C. A. 8th Cir. Thayer, J.

Commission's order held to be invalid on the ground that the Commission had without power to fix rates.

Colorado Fuel & Iron Co. v. Southern Pacific Co.

22 Sup. Ct. 934; 46 L. Ed. 1264. November 8, 1901. Memorandum.

Not in U. S. Reports.

Dismissed per stipulation.

MANDAMUS CASE.

United States ex rel. Morrison v. Long Island R. R. Co.

C. C. S. D. N. Y. (1896).

Petition for mandamus to compel carriers to file reports, transferred to Commerce Court. (See 10th Ann. Rep., 49.)

United States ex rel. Morrison v. Long Island R. R. Co.

Not reported. April 3, 1911.

Commerce Court No. 28.

Case dismissed without opinion.

PIEDMONT CASE.

McClelen v. Southern Ry. Co.

6 I. C. C. 588. June 6, 1896. (See 10th Ann. Rep., 74.)

Docket Nos. 404 and 405. Op. 187. Yeomans, Comr.

Carriers ordered to cease charging the existing rates from North Atlantic ports, which are higher for the shorter haul to Piedmont, Ala., than for the longer haul to Anniston, Ala., on the ground that the existing rates are in violation of section 4.

Interstate Commerce Commission v. Southern Ry. Co.

105 Fed. 703. November 3, 1900.

C. C. N. D. Ala., S. D. Bruce, J.

Commission's order held to be invalid on the ground that the Commission erred in not considering competition between railroads subject to the act as an element justifying the existing rate adjustment.

MANDAMUS CASE.

U. S. ex rel. I. C. C. v. Chicago, Kalamazoo & Saginaw R. R. Co.

81 Fed. 783. June 23, 1897.

C. C. W. D. Mich., S. D. Severens, J.

Petition for mandamus to compel respondent railroad lying wholly within state and transporting traffic only on local bills of lading to file annual reports as provided for in section 20, denied.

GRIFFEN CASE.

Brewer & Hanleiter v. Louisville & Nashville R. R. Co.

7 I. C. C. 224. June 29, 1897. (See 11th Ann. Rep., 105.)

Docket No. 467. Op. 205. Prouty, *Comr.*

Carriers ordered to cease charging the existing rates from Cincinnati, Ohio, and Louisville, Ky., which are higher for the shorter haul to Griffen, Ga., than for the longer haul to Macon, Ga., on the ground that the existing rates are in violation of sections 3 and 4.

Brewer & Hanleiter v. Central of Georgia Ry. Co.

84 Fed. 258. January 8, 1898.

C. C. S. D. Ga., E. D. Speer, J.

Commission's order held to be invalid on the ground that competition justifies the existing rate adjustment. No appeal.

MANDAMUS.

Interstate Commerce Commission v. Bellaire, Zanesville & Cincinnati Ry. Co.

77 Fed. 942. January 11, 1897.

C. C. S. D. Ohio, E. D. Sage, J.

Petition of Commission for writ of mandamus to compel defendant to file tariffs with Commission, dismissed on the ground that defendant is not subject to the act. Defendant was a railroad company, whose line was wholly within a single State, which carried goods destined to other States, but which did not issue bills of lading beyond its own line; did not receive goods on through bills of lading, and did not have any arrangement with other roads for a division of charges or for a common control or management.

MANDAMUS CASE.

U. S. ex rel. I. C. C. v. Seaboard Ry. Co.

82 Fed. 563. July 2, 1897.

C. C. S. D. Ala. Toulmin, J.

Petition for mandamus to compel railroad to file annual reports as provided for in section 20 granted where railroad lying wholly within state was found to participate in interstate commerce under "common arrangement for a continuous carriage or shipment."

U. S. ex rel. I. C. C. v. Seaboard Ry. Co.

85 Fed. 955. March 9, 1898.

C. C. S. D. Ala. Toulmin, J.

Motion to commit as for contempt by Robert Middleton, formerly secretary and treasurer of respondent railway, denied.

LA GRANGE CASE.

Calloway v. Louisville & Nashville R. R. Co.

7 I. C. C. 431. December 31, 1897. (See 12th Ann. Rep., 32, 38.)

Docket No. 431. Op. 215. Clements, *Comr.*

Carriers ordered to cease charging the existing rates from New Orleans, La., which are higher for the shorter haul to La Grange, Ga., than for the longer haul to other Georgia cities, on the ground that the existing rates are in violation of sections 1, 3, and 4.

Interstate Commerce Commission v. Louisville & Nashville R. R. Co.

102 Fed. 709. December 2, 1899.

C. C. S. D. Ala. Toulmin, J.

Commission's order held to be valid.

Interstate Commerce Commission v. Louisville & Nashville R. R. Co.

101 Fed. 146. December 12, 1899.

C. C. S. D. Ala. Toulmin, J.

Injunction compelling compliance with Commission's order suspended pending appeal.

Louisville & Nashville R. R. Co. v. Interstate Commerce Commission.

108 Fed. 988. May 14, 1901.

C. C. A. 5th Cir. Per curiam.

Commission's order held to be invalid.

Interstate Commerce Commission v. Louisville & Nashville R. R. Co.

190 U. S. 273. May 18, 1903. White, *J.*

Commission's order held to be invalid on the ground that competition between carriers subject to the act justifies the existing rate adjustment.

ST. CLOUD CASE.

Tileston Milling Co. v. Northern Pacific Ry. Co.

City of St. Cloud v. Same.

8 I. C. C. 346. November 29, 1899.

Docket Nos. 556 and 558. Op. 242. Prouty, *Comr.*

Carriers ordered to cease charging higher rates from various points for the shorter haul to St. Cloud, Minn., than for the longer haul to St. Paul, Minn., on the ground that this practice constitutes a violation of section 4.

Interstate Commerce Commission v. Northern Pacific Ry. Co.

Not reported.

C. C. D. Minn.

Commission's order held to be valid, carriers consenting to issuance of injunction enforcing compliance with such order. (Senate Hearings, Committee on Interstate Commerce, 1904-5, vol. 5, p. 324-325.)

DANVILLE CASE.

City of Danville v. Southern Ry. Co.

8 I. C. C. 409. February 17, 1900. (See 14th Ann. Rep., 34.)

8 I. C. C. 571. Rehearing November 17, 1900.

Docket No. 549. Ops. 247, 252. Prouty, *Comr.*

Carriers ordered to cease charging the existing rates from St. Louis, Mo., and other points, which are higher for the shorter haul to Danville, Va., than for the longer haul to Lynchburg and other Virginia cities, on the ground that such rates are in violation of sections 3 and 4.

Interstate Commerce Commission v. Southern Ry. Co.

117 Fed. 741. August 4, 1902.

C. C. W. D. Va. McDowell, *J.*

Commission's order held to be invalid on the ground that competition justifies the existing rate adjustment.

Interstate Commerce Commission v. Southern Ry. Co.

122 Fed. 800. May 5, 1903.

C. C. A. 4th Cir. Boyd, *J.*

Commission's order held to be invalid on the ground that competition justifies the existing rate adjustment. Appeal to Supreme Court taken but not perfected, carriers substantially complying with Commission's order.

KEARNEY CASE.

Gustin v. Burlington & Missouri River R. R. in Nebraska.

8 I. C. C. 481. March 9, 1900. (See 14th Ann. Rep., 41.)

Docket No. 280. Op. 248. Yeomans, *Comr.*

Carriers ordered to discontinue charging a rate of 77 cents per 100 pounds on sugar from San Francisco, Cal., to Kearney, Nebr., while maintaining a rate of 50 cents per 100 pounds for the longer haul to Omaha, Nebr., on the ground that the existing rate is unreasonable. Commission recommended that rate to Kearney be reduced to not exceed 65 cents.

Interstate Commerce Commission v. Southern Pacific Co.

Not reported.

C. C. N. D. Cal.

Commission's order held to be invalid on the ground that competition justified the existing rate adjustment. (Senate Hearings, Committee on Interstate Commerce, 1904-5, vol. 5, p. 326-327.)

HAMPTON CASE.

Board of Trade of Hampton v. Nashville, Chattanooga & St. Louis Ry. Co.

8 I. C. C. 503. March 10, 1900. (See 14th Ann. Rep., 40.)

Docket No. 471. Op. 249. Clements, *Comr.*

Carriers ordered to discontinue the existing rates from St. Louis, Mo., and other points, which are considerably higher for the shorter haul to Hampton, Fla., than for the longer haul to Palatka (the rates to Hampton being based on the through rate to Palatka plus the local rate back to Hampton), on the ground that the existing rates are in violation of sections 3 and 4.

Interstate Commerce Commission v. Nashville, Chattanooga & St. Louis Ry. Co.
C. C., S. D., Fla.

Not reported. (See 16th Ann. Rep., 52.)

Commission's order held to be invalid.

Interstate Commerce Commission v. Nashville, Chattanooga & St. Louis Ry. Co.
120 Fed. 934. February 24, 1903.

C. C. A., 5th Cir. Pardee, J.

Commission's order held to be invalid on the ground that competition justifies the existing rate adjustment.

WILMINGTON CASE.

Wilmington Tariff Asso. v. Cincinnati, Portsmouth & Virginia R. R. Co.

9 I. C. C. 113. December 17, 1901. (See 15th Ann. Rep., 23.)

Docket No. 544. Op. 264. Clements, *Comr.*

Carriers ordered to cease charging the existing rates from Chicago, ILL., and other points, which are considerably higher to Wilmington, N. C., than to Norfolk and Richmond, Va., on the ground that the existing rates are unduly prejudicial to Wilmington.

Interstate Commerce Commission v. Cincinnati, Portsmouth & Virginia R. R. Co.
124 Fed. 624. August 10, 1903.

C. C. E. D. N. C. Purnell, J.

Commission's order held to be invalid on the ground that competition justifies the existing rate adjustment.

TIFTON CASE.

Mayor & Council of Tifton v. Louisville & Nashville R. R. Co.

9 I. C. C. 160. March 27, 1902. (See 16th Ann. Rep., 39.)

Docket No. 579. Op. 265. Clements, *Comr.*

Carriers ordered to cease charging higher rates from New York City and other points for the shorter haul to Tifton, Ga., than for the longer haul to Valdosta and Albany, Ga., on the ground that such practice constituted a violation of sections 3 and 4.

Interstate Commerce Commission v. Louisville & Nashville R. R. Co.

Not reported.

C. C. S. D. Ga.

Suit to compel obedience to Commission's order discontinued upon substantial compliance with order by carriers. (Senate Hearings, Committee on Interstate Commerce, 1904-5, vol. 5, p. 327-328.)

ORANGE ROUTING CASE.

Consolidated Forwarding Co. v. Southern Pacific Co.

Southern California Fruit Exchange v. Same.

9 I. C. C. 182. April 19, 1902. (See 16th Ann. Rep., 22.)

Docket Nos. 575 and 576. Op. 269. Clements, *Comr.*

Carriers ordered to discontinue a rule or practice whereby the initial carriers reserved to themselves the right of routing beyond their own lines shipments of oranges and other citrus fruits from California to the East, and whereby the shippers were denied their choice of established routes on the ground that the rule or practice is in violation of section 3.

Interstate Commerce Commission *v.* Southern Pacific Co.

123 Fed. 597. June 1, 1903.

C. C. S. D. Cal., S. D. Wellborn, *J.*

Bill to enforce Commission's order held to be sufficient upon demurrer.

Interstate Commerce Commission *v.* Southern Pacific Co.

132 Fed. 829. September 6, 1904.

C. C. S. D. Cal., S. D. Wellborn, *J.*

Commission's order held to be valid on the ground that the reservation of the right of routing created a traffic pool in violation of section 5.

Interstate Commerce Commission *v.* Southern Pacific Co.

137 Fed. 606. December 12, 1904.

C. C. S. D. Cal., S. D. Wellborn, *J.*

Carriers' motion to suspend operation of decree compelling compliance with Commission's order pending appeal denied.

Southern Pacific Co. *v.* Interstate Commerce Commission.

Southern California Ry. Co. *v.* Same.

Atchison, Topeka & Santa Fe Ry. Co. *v.* Same.

Santa Fe Pacific R. R. Co. *v.* Same.

200 U. S. 536. February 26, 1906. Peckham, *J.*

Commission's order held to be invalid on the ground that the reservation of the right of routing to the initial carriers is not prohibited by the act.

HAY CLASSIFICATION CASE.

National Hay Asso. *v.* Lake Shore & Michigan Southern Ry. Co.

9 I. C. C. 264. October 16, 1902. (See 16th Ann. Rep., 36.)

Docket No. 603. Op. 272. Clements, *Comr.*

Carriers ordered to discontinue charging higher than sixth-class rates on hay in official classification territory on ground that an advance to fifth-class is unreasonable, discriminatory, and prejudicial.

Interstate Commerce Commission *v.* Lake Shore & Michigan Southern Ry. Co.

134 Fed. 942. January 27, 1905.

C. C. N. D. Ohio, E. D. Wing, *J.*

Commission's order held invalid on the ground that it fixed a rate for the future.

Interstate Commerce Commission *v.* Lake Shore & Michigan Southern Ry. Co.

202 U. S. 613. May 21, 1906. *Per curiam.*

Commission's order held invalid. Decree of lower court affirmed by divided court, there being no written opinion.

National Hay Asso. *v.* Michigan Central R. R. Co.

19 I. C. C. 34. June 10, 1910.

Docket No. 1179. Op. 1334. Cockrell, *Comr.*

Upon a new complaint filed under the Hepburn Act, authorizing the Commission to fix rates for the future, held that the advance of hay to fifth class is not unreasonable in view of the now existing circumstances and conditions. Complaint dismissed.

BAIRD CASE.

Hearst v. Philadelphia & Reading Ry. Co.

Complaint filed November 3, 1902. (See 17th Ann. Rep., 75.)

Docket No. 644.

During an investigation by the Commission into the question of alleged unlawful practices in connection with the carriage of anthracite coal from Pennsylvania to New York and other eastern points, several witnesses declined to answer certain questions or to produce certain documents.

Interstate Commerce Commission v. Philadelphia & Reading Ry. Co.

123 Fed. 969. June 12, 1903.

C. C. S. D. N. Y. Lacombe, J.

The court declined to order the witnesses to answer the questions or produce the documents on the ground that they were not relevant to the matter under investigation.

Interstate Commerce Commission v. Baird.

194 U. S. 25. April 4, 1904. Day, J.

Witnesses directed to answer the questions and produce the documents on the ground that they were relevant to the matter under investigation.

 SOAP CLASSIFICATION CASE.

Procter & Gamble Co. v. Cincinnati, Hamilton & Dayton Ry. Co.

9 I. C. C. 440. April 10, 1903. (See 17th Ann. Rep., 57.)

Docket No. 573. Op. 277. Knapp, Comr.

Defendants ordered to discontinue their practice of charging higher than fourth-class rates on less-than-carload shipments of common soap. An advance to third class or to 20 per cent less than third class was held to be unreasonable.

Interstate Commerce Commission v. Cincinnati, Hamilton & Dayton Ry. Co.

146 Fed. 559. November 22, 1905.

C. C. S. D. Ohio, W. D. Thompson, J.

Commission's order held to be valid. Carriers directed to comply therewith.

Cincinnati, Hamilton & Dayton Ry. Co. v. Interstate Commerce Commission.

206 U. S. 142. May 13, 1907. White, J.

Commission's order held to be valid. Carriers directed to comply therewith.

 CHESAPEAKE & OHIO COAL CASE.

In re Alleged Unlawful Rates Charged by the Chesapeake & Ohio Ry. Co. on Coal from West Virginia Mines to New Haven, Conn., and other points in New England.

Order of investigation entered July 1, 1903. (See 17th Ann. Rep., 68.)

Docket No. 703.

Investigation by Commission into legality of a contract whereby the Chesapeake & Ohio Railway Co. agreed to sell and deliver to the New York, New Haven & Hartford Railroad Co. a certain quantity of coal, which was to be transported over the lines of the vendor carrier. The price to be paid by the

vendee carrier was less than the cost, to the vendor carrier, of buying the coal at the mines, paying its own published rates and meeting other expenses incurred in delivery. Through the Department of Justice, the Commission filed a bill to enjoin the carriers from executing the contract on the ground that it was in violation of sections 2 and 3 of the act.

United States ex rel. Interstate Commerce Commission v. Chesapeake & Ohio Ry. Co.

128 Fed. 59. February 19, 1904.

C. C. W. D. Va. McDowell, J.

Carriers prohibited, by injunction, from fulfilling the contract on the ground that it constituted an undue preference in favor of the New Haven road in violation of section 3.

New York, New Haven & Hartford R. R. Co. v. Interstate Commerce Commission.

Interstate Commerce Commission v. Chesapeake & Ohio Ry. Co.

200 U. S. 361. February 19, 1906. White, J.

Carriers prohibited from fulfilling the contract. Lower court sustained.

CHICAGO TERMINAL SWITCHING CASE.

Cattle Raisers' Asso. of Texas v. Fort Worth & Denver City Ry. Co.

7 I. C. C. 513. January 20, 1898. (See 12th Ann. Rep., 25.)

Docket No. 466. Op. 218. Prouty, *Comr.*

On live stock from western markets to Chicago, Ill., the through rate for many years included, without additional charge, a terminal switching service in Chicago. In 1894 the Union Stock Yards Company imposed upon the railroads a trackage charge for this terminal service. Whereupon the railroads imposed upon the shippers a terminal switching charge of \$2 per car. After a complaint was filed, attacking the increased rate as unreasonable, the railroads reduced the through rate from the points of origin by 5 cents per 100 pounds, which resulted in a total reduction of from \$10 to \$15 per car. The carriers were ordered by the Commission to discontinue charging the \$2 terminal switching charge on the ground that it was unreasonable to the extent that it exceeded \$1.

Cattle Raisers' Asso. of Texas v. Fort Worth & Denver City Ry. Co.

7 I. C. C. 555a. August 4, 1898. (See 12th Ann. Rep., 27.)

Docket No. 466. Op. 226. Prouty, *Comr.*

Upon rehearing, former decision adhered to. Further held that any charge in excess of \$1 constitutes an undue prejudice to Chicago.

Interstate Commerce Commission v. Chicago, Burlington & Quincy R. R. Co.

94 Fed. 272. May 9, 1899.

C. C. N. D. Ill., N. D. Kohlsaatt, J.

On demurrer, held that petition to enforce Commissioner's order was not insufficient on the theory that the order upon which it was based was an attempt to fix a rate. Demurrer overruled.

Interstate Commerce Commission v. Chicago, Burlington & Quincy R. R. Co.
98 Fed. 173. December 4, 1899.

C. C. N. D. Ill., N. D. Kohlsaatt, *J.*

On final hearing, Commission's order held invalid on the ground that the addition of a \$2 switching charge to a through rate is not unreasonable when the through rate itself is reduced between \$10 and \$15 per car.

Interstate Commerce Commission v. Chicago, Burlington & Quincy R. R. Co.
103 Fed. 249. June 15, 1900.

C. C. A. 7th Cir. Brown, *J.*

Commission's order held invalid on ground stated by lower court.

Interstate Commerce Commission v. Chicago, Burlington & Quincy R. R. Co.
186 U. S. 320. June 2, 1902. White, *J.*

Commission's order held invalid on ground stated by lower court.

Decree of lower courts affirmed without prejudice to right of Commission to correct any unreasonableness in the rate resulting from the additional charge as to any territory to which there was no reduction in the through rate.

Cattle Raisers' Asso. of Texas v. Chicago, Burlington & Quincy R. R. Co.
10 I. C. C. 83. March 4, 1904. (See 18th Ann. Rep., 62.)

Docket No. 466. Op. 300. Prouty, *Comr.*

Case reopened on question of reparation.

Cattle Raisers' Asso. of Texas v. Chicago, Burlington & Quincy R. R. Co.
11 I. C. C. 277. August 16, 1905. (See 19th Ann. Rep., 22.)

Docket No. 466. Op. 357. Prouty, *Comr.*

Carriers ordered to discontinue charging the \$2 terminal switching charge in respect to traffic on which the through rate had not been reduced on the ground that such charge was unreasonable to the extent that it exceeded \$1 and on the further ground that it constituted an undue prejudice.

Cattle Raisers' Asso. of Texas v. Chicago, Burlington & Quincy R. R. Co.
12 I. C. C. 6. November 14, 1906.

Docket No. 466. Op. 394. Prouty, *Comr.*

The carriers having refused to comply with the Commission's order, complainants asked for a reopening of the case under the act of 1906. Petition denied.

Cattle Raisers' Asso. of Texas v. Chicago, Burlington & Quincy R. R. Co.
12 I. C. C. 507. October 21, 1907.

Docket No. 939. Op. 508. Prouty, *Comr.*

Upon a new complaint filed under the Hepburn Act, the carriers were ordered to discontinue charging the \$2 terminal switching charge on all shipments of live stock originating outside the State of Illinois on the ground that such charge was unreasonable to the extent that it exceeded \$1 and on the further ground that it constituted an undue prejudice. The Commission further prescribed a maximum charge of \$1 for the future, if any charge is maintained by the carriers.

Stickney v. Interstate Commerce Commission.

164 Fed. 638. June 30, 1908.

C. C. D. Minn., 3d D. Adams, *J.*

Commission's order held invalid on ground that the \$2 terminal switching charge was a separately established charge, that it was reasonable in and of itself, and that it could not be condemned as unreasonable on account of some unreasonableness in the through charge from points of origin.

Interstate Commerce Commission v. Stickney.

215 U. S. 98. November 29, 1909. Brewer, *J.*

Commission's order held invalid on ground stated by lower court.

REICHMANN CASE.

In re Transportation by Common Carriers in Cars not Owned by Said Common Carriers.

Order of investigation entered April 28, 1904.

During an investigation by the Commission into the matter of the use of private cars by common carriers, one Reichmann declined to answer certain questions on the ground that the Commission was without authority to exact from him the information called for.

Interstate Commerce Commission v. Reichmann.

145 Fed. 235. February 27, 1906.

C. C. N. D., Ill. Landis, *J.*

Witness directed to answer the questions. It was held that a private car line, whose cars are being used by a common carrier, is prohibited by the act from paying sums of money to shippers in order to induce them to demand such privately owned cars, such payments being a departure from the tariff rate.

ELEVATION ALLOWANCE CASE.

In re Allowances to Elevators by Union Pacific R. R. Co.

10 I. C. C. 309. June 25, 1904. (See 18th Ann. Rep., 46.)

Docket No. 687. Op. 310. Knapp, *Comr.*

In order to retain a sufficient number of its cars for use on its own line, the Union Pacific Railroad Co. deemed it necessary to make some arrangement whereby grain originating on its line could be transferred into cars of connecting carriers at its terminals. For the service rendered by the firm of Peavey & Co. in making such transfer through elevators owned by Peavey & Co. an elevation allowance of 1½ cents per 100 pounds on all grain passing through such elevators, including grain shipped by Peavey & Co. *Held*, that the payment of such allowances is not in violation of the act.

In re Allowances to elevators by Union Pacific R. R. Co.

12 I. C. C. 85. April 9, 1907. (See 21st Ann. Rep., 56.)

Docket No. 687. Op. 419. Harlan, *Comr.*

Upon rehearing the carrier was ordered to discontinue the payment of any elevation allowance in excess of three-fourths of a cent per 100 pounds on the ground that any allowance in excess of the cost of rendering the service constitutes a rebate.

In re Allowance to Elevators by Union Pacific R. R. Co.

13 I. C. C. 498. April 14, 1908.

Docket No. 687. Op. 604. Harlan, *Comr.*

Case reopened for further hearing.

In re Allowances to Elevators by Union Pacific R. R. Co.

14 I. C. C. 315. June 29, 1908.

Docket No. 687. Op. 681. Harlan, *Comr.*

Upon further hearing the carrier was ordered to discontinue the payment of any and all allowances to Peavey & Co. on grain in which the latter has an interest that is not reshipped from the elevators within 10 days, or which has been mixed, treated, weighed, or inspected in the elevators.

Traffic Bureau, Merchants' Exchange of St. Louis v. Chicago, Burlington & Quincy R. R. Co.

14 I. C. C. 317. June 29, 1908.

Docket Nos. 1239, 1240, 1241, 1263, and 1267. Op. 682. Prouty, *Comr.*

Carriers ordered to discontinue the payment of any and all elevation allowances to elevators located upon the Missouri River on the ground that the payment of an allowance of three-fourths of a cent per 100 pounds constitutes an undue discrimination.

Traffic Bureau, Merchants' Exchange of St. Louis v. Chicago, Burlington & Quincy R. R. Co.

14 I. C. C. 510. October 16, 1908.

Docket No. 1239. Op. 699. Prouty, *Comr.*

Reopening of case for further hearing denied, but effective date of order postponed.

Traffic Bureau, Merchants' Exchange of St. Louis v. Chicago, Burlington & Quincy R. R. Co.

14 I. C. C. 551. November 25, 1908.

Docket Nos. 1239, 1240, 1241, 1263, and 1267. Op. 717. *By the Commission.*

Effective date of order again postponed.

Peavey & Co. v. Union Pacific R. R. Co.

Diffenbaugh v. Interstate Commerce Commission.

176 Fed. 409. March 3, 1910.

C. C. W. D. Mo., W. D. Sanborn, *J.*

Commission's order held invalid on the ground that the Commission has no power absolutely to prohibit the payment of any allowance to the owners of elevators furnishing elevation service for the railroads. It was held that the owners of the elevators are entitled to an allowance which affords them a reasonable profit over and above the cost of rendering the service, and that three-fourths of a cent per 100 pounds is a reasonable allowance.

Interstate Commerce Commission v. Diffenbaugh.

Same v. Peavey & Co.

Union Pacific R. R. Co. v. Peavey & Co.

222 U. S. 42. November 13, 1911. Holmes, *J.*

Commission's order held valid in so far as it reduced the allowance to three-fourths of a cent (this amount including a reasonable profit over the cost of the service), and in so far as it prohibited the payment of allowances on any grain not reshipped from the elevator within 10 days. Commission's order held invalid in so far as it prohibited to payment of any allowance on grain that is treated, weighed, inspected, or mixed at the elevator. Decree of lower court modified and affirmed.

Traffic Bureau, Merchants' Exchange of St. Louis v. Chicago, Burlington & Quincy R. R. Co.

22 I. C. C. 496. February 5, 1912.

Docket Nos. 1239, 1240, 1241, 1263, and 1267. Op. 1786. Prouty, *Comr.*

Carriers ordered not to exceed three-fourths of a cent per 100 pounds in the payment of elevation or transfer allowances at the Missouri River, and to confine that payment to grain actually passing through the elevators in 10 days.

ABERDEEN GROUP CASE.

Aberdeen Group Commercial Asso. v. Mobile & Ohio R. R. Co.

10 I. C. C. 289. June 25, 1904. (See 18th Ann. Rep., 50.)

Docket No. 620. Op. 315. Yeomans, *Comr.*

Carriers ordered to discontinue their existing rates on wheat, flour, corn, corn meal, and oats from St. Louis, Mo., East St. Louis and Cairo, Ill., which are higher for the shorter haul to Aberdeen and other Mississippi cities in the so-called Aberdeen group than for the longer haul to certain other points, on the ground that such rates are unreasonable, although not in violation of sections 3 and 4 on account of competition at the farther-distance points.

Interstate Commerce Commission v. Mobile & Ohio R. R. Co.

Not reported.

C. C. N. D. Miss.

Commission's order held to be valid. No appeal. (20th Ann. Rep., 45.)

CHICAGO LIVE-STOCK CASE.

Chicago Live Stock Exchange v. Chicago Great Western Ry. Co.

10 I. C. C. 428. January 7, 1905. (See 19th Ann. Rep., 42.)

Docket No. 618. Op. 323. Fifer, *Comr.*

From the Missouri River to Chicago, Ill., carriers ordered to discontinue charging higher rates on live stock than on packing-house products on the ground that the lower rates on the products constituted an undue preference in favor of the products in violation of section 3.

Interstate Commerce Commission v. Chicago Great Western Ry. Co.

141 Fed. 1003. November 20, 1905.

C. C. N. D. Ill., E. D. Bethea, *J.*

Commission's order held invalid on the ground that there is no violation of section 3 on account of railroad competition and other transportation dissimilarities.

Interstate Commerce Commission v. Chicago Great Western Ry. Co.

209 U. S. 108. March 23, 1908. Brewer, *J.*

Commission's order held invalid. Judgment of lower court affirmed.

YELLOW PINE LUMBER CASE.

Central Yellow Pine Asso. v. Illinois Central R. R. Co.

10 I. C. C. 505. February 7, 1905. (See 19th Ann. Rep., 27.)

Docket No. 707. Op. 328. Clements, *Comr.*

Advance of 2 cents per 100 pounds in rates on yellow-pine lumber from Mississippi, Alabama, and Louisiana to Ohio River points held to be unreasonable, and carriers ordered to discontinue such advance.

Interstate Commerce Commission v. Illinois Central R. R. Co.

Not reported.

C. C. E. D. La.

Commission's order held to be valid. Carriers directed to comply therewith.

Illinois Central R. R. Co. v. Interstate Commerce Commission.

206 U. S. 441. May 27, 1907. McKenna, J.

Commission's order held to be valid. Carriers directed to comply therewith.

YELLOW-PINE LUMBER CASE.

Tift v. Southern Ry. Co.

Not reported. May 16, 1903. (See 17th Ann. Rep., 77.)

C. C. S. D. Ga., W. D.

Temporary injunction restraining carriers from making an advance of 2 cents per 100 pounds in the rate on yellow-pine lumber from Georgia to Chattanooga, Tenn., and other points, dissolved for the reason that the proposed advance had not been made effective.

Tift v. Southern Ry. Co.

123 Fed. 789. July 16, 1903.

C. C. S. D. Ga., W. D. Speer, J.

The advanced rates being in effect, an injunction restraining the enforcement of the advance was denied for the reason that a complaint against the advance had been filed with the Commission. It was held that judicial action should be withheld until the Commission acted.

Tift v. Southern Ry. Co.

10 I. C. C. 548. February 7, 1905. (See 19th Ann. Rep., 25.)

Docket No. 698. Op. 329. Clements, *Comr.*

The advance was held to be unreasonable and the carriers were ordered to discontinue it.

Tift v. Southern Ry. Co.

138 Fed. 753. June 28, 1905.

C. C. W. D. Ga., S. D. Speer, J.

Commission's order held to be valid. Carriers restrained from enforcing the advance; and reparation awarded in accordance with stipulation.

Southern Ry. Co. v. Tift.

148 Fed. 1021. December 15, 1906.

C. C. A. 5th Cir. *Per curiam.*

Commission's order held to be valid. Carriers restrained from enforcing the advance; and reparation awarded in accordance with stipulation.

Southern Ry. Co. v. Tift.

206 U. S. 428. May 27, 1907. McKenna, J.

Commission's order held to be valid. Carriers restrained from enforcing the advance; and reparation awarded in accordance with stipulation.

MANDAMUS CASE.

U. S. ex rel. Knapp v. Lake Shore & Michigan Southern Ry. Co.

Not reported. (See 18th Ann. Rep., 90.)

C. C. N. D. Ohio.

Motion to dismiss petition for mandamus to compel filing of reports as provided for in section 20 granted, on the ground that the court had no original jurisdiction to issue the writ.

Knapp v. Lake Shore & Michigan Southern Ry. Co.

197 U. S. 536. April 10, 1905. McKenna, J.

Judgment of circuit court affirmed.

HOPE COTTON OIL CASE.

Hope Cotton Oil Co. v. Texas & Pacific Ry. Co.

10 I. C. C. 696. April 24, 1905. (See 19th Ann. Rep., 53.)

Docket No. 780. Op. 338. Prouty, *Comr.*

On cotton seed, the joint rate from certain Louisiana points to Hope, Ark., exceeded the local rate to Texarkana, Tex., plus the local rate thence to Hope. Complainant desired to secure the benefit of the lower combination of local rates by shipping on the local rate to Texarkana for the purpose of reshipping on the local rate from that point to Hope. This defendant carriers decline to permit. Held, that the shipper is within his legal rights in shipping to Texarkana for the purpose of reshipping to Hope. Damages in the sum of \$2,240 awarded complainant.

Hope Cotton Oil Co. v. Texas & Pacific Ry. Co.

Not reported. June, 1906. (See 20th Ann. Rep., 46.)

C. C. N. D. Texas.

Action for damages based on Commission's award of reparation dismissed on the ground that the complainant is not legally entitled to ship on the local rate to Texarkana and thence reship on the local rate to Hope.

Hope Cotton Oil Co. v. Texas & Pacific Ry. Co.

12 I. C. C. 265. July 8, 1907. (See 21st Ann. Rep., 74.)

Docket No. 915. Op. 465. Harlan, *Comr.*

Carriers ordered to establish a joint rate of 17½ cents on cotton seed from certain Louisiana points to Hope, Ark., on the ground that the existing joint rate of 30 cents is unreasonable to the extent that it exceeded the combination of local rates.

RECONSIGNMENT CASE.

St. Louis Hay & Grain Co. v. Mobile & Ohio R. R. Co.

11 I. C. C. 90. May 15, 1905.

Docket No. 757. Op. 342. Prouty, *Comr.*

Carriers ordered to discontinue their practice of charging 2 cents per 100 pounds as a reconsignment charge on hay at East St. Louis, Ill., on the ground that such charge is unreasonable to the extent that it exceeds 1 cent per 100 pounds, the cost of rendering the service.

St. Louis Hay & Grain Co. v. Southern Ry. Co.

149 Fed. 809. June 25, 1906.

C. C. E. D. Ill. Wright, J.

Commission's order held to be valid. Damages awarded on basis of Commission's award of reparation.

Southern Ry. Co. v. St. Louis Hay & Grain Co.

153 Fed. 728. April 16, 1907.

C. C. A. 7th Cir. Baker, J.

Commission's order held valid. Judgment of lower court sustained.

Southern Ry. Co. v. St. Louis Hay & Grain Co.

214 U. S. 297. June 1, 1909. Brewer, J.

Commission's order held invalid on ground that carriers are entitled to a reasonable profit over and above the cost of rendering an extra and additional service. Judgment of both lower courts reversed with directions to remand the matter to the Commission for further investigation and report.

St. Louis Hay & Grain Co. v. Mobile & Ohio R. R. Co.

Same v. Louisville & Nashville R. R. Co.

Lucas & Co. v. Louisville & Nashville R. R. Co.

Bartlett Commission Co. v. Illinois Central R. R. Co.

19 I. C. C. 533. November 7, 1910.

Docket Nos. 757, 884, 923, 946. Op. 1420. Clements, Comr.

Carriers ordered to discontinue their practice of charging 2 cents per 100 pounds as a reconignment charge on hay at East St. Louis, Ill., on the ground that such charge is unreasonable to the extent that it exceeded 1½ cents per 100 pounds. Reparation awarded. (See also *St. Louis Hay & Grain Co. v. Mobile & Ohio R. R. Co.*, 18 I. C. C. 607; May 10, 1910. Docket No. 757, Memorandum decision).

TEXAS LIVE STOCK RATE CASE.

Cattle Raisers Asso. of Texas v. Missouri, Kansas & Texas Ry. Co.

11 I. C. C. 296. August 16, 1905. (See 19th Ann. Rep. 21.)

Docket No. 732. Op. 358. Prouty, Comr.

Carriers ordered to reduce the rate on live stock from North of the Texas quarantine line to Colorado and other points on the ground that such rate was unreasonable. Charge of \$2 per car for terminal switching service at Union Stock Yards at Chicago, Ill., held to be unreasonable to extent that it exceeded \$1 per car. Question of reparation reserved.

Cattle Raisers Asso. of Texas v. Missouri, Kansas & Texas Ry. Co.

12 I. C. C. 1. November 14, 1906.

Docket No. 732. Op. 395. Prouty, Comr.

Further hearing granted so that case could proceed under section 15 of the amended act of June 29, 1906.

Cattle Raisers Asso. of Texas v. Missouri, Kansas & Texas Ry. Co.

13 I. C. C. 418. April 14, 1908.

Docket No. 732. Op. 597. Prouty, Comr.

Former decision affirmed, but conclusion announced that no reparation would be awarded on shipment moving prior to August 29, 1906, the date on which was filed the petition for further proceedings under the act of 1906.

Missouri, Kansas & Texas Ry. Co. v. Interstate Commerce Commission.

184 Fed. 645. October 23, 1908.

C. C. E. D. Mo. *Per curiam*.

Upon suggestion of court, Commission itself rescinded so much of its order as related to the terminal switching charge. Carriers' application for injunction against enforcement of Commission's order denied.

Missouri, Kansas & Texas Ry. Co. v. Interstate Commerce Commission.

Not reported. November 4, 1910. (24th Ann. Rep., 19.)

C. C. E. D. Mo.

Commission's order held to be valid.

Cattle Raisers Asso. of Texas v. United States.

Not reported. June 29, 1912.

Commerce Court No. 63.

Following Proctor & Gamble v. U. S. (225 U. S., 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction, bill of shippers seeking to annul Commission's action in declining to award reparation on shipments moving prior to date of filing of complaint, dismissed for want of jurisdiction.

Cattle Raisers Asso. of Texas v. Missouri, Kansas & Texas Ry. Co.

30 I. C. C. 721. Unreported Opinion No. A-583. January 12, 1914.

Docket No. 732. Prouty, *Comr.*

Reparation awarded.

SIDETRACK CONNECTION CASE.

Red Rock Fuel Co. v. Baltimore & Ohio R. R. Co.

11 I. C. C. 438. November 25, 1905. (See 19th Ann. Rep., 47.)

Docket No. 812. Op. 364. Fifer, *Comr.*

Carrier ordered to cease denying to complainant a sidetrack connection between its line and the line of complainant while granting such facilities to other mines in the Fairmont, W. Va., district, on the ground that such denial constitutes an undue prejudice, in violation of section 3.

Red Rock Fuel Co. v. Baltimore & Ohio R. R. Co.

Not reported.

C. C. N. D. W. Va.

This case, it is understood, was never decided.

STATION FACILITIES CASE.

Preston & Davis v. Delaware, Lackawanna & Western R. R. Co.

12 I. C. C. 114. April 26, 1907. (See 21st Ann. Rep., 68.)

Docket No. 929. Op. 422. Knapp, *Comr.*

Carrier ordered to allow the delivery of oil in tank cars at a certain terminal in Brooklyn, N. Y., on the ground that a discontinuance of delivery there subjects complainant to an undue prejudice.

Delaware, Lackawanna & Western R. R. Co. v. Interstate Commerce Commission.
155 Fed. 512. August 10, 1907. (See 21st Ann. Rep., 87.)

C. C. S. D. N. Y. Lacombe, *J.*

Motion for preliminary injunction to restrain enforcement of Commission's order denied. Bill transferred to Commerce Court.

Delaware, Lackawanna & Western R. R. Co. v. Interstate Commerce Commission.

Not reported. April 3, 1911.

Commerce Court, No. 10.

Case dismissed by stipulation.

COLORED PASSENGER CASE.

Edwards v. Nashville, Chattanooga & St. Louis Ry. Co.

12 I. C. C. 247. June 24, 1907. (See 21st Ann. Rep., 65.)

Docket No. 1101. Op. 460. Lane, *Comr.*

Carriers ordered to furnish to colored passengers train accommodations similar to those furnished white passengers.

Interstate Commerce Commission v. Nashville, Chattanooga & St. Louis Ry. Co.

Not reported. January 21, 1908.

C. C. M. D. Tenn.

Carrier's demurrer to bill to enforce Commission's order overruled. Case transferred to Commerce Court.

Interstate Commerce Commission v. Nashville, Chattanooga & St. Louis Ry. Co.

Not reported. May 17, 1908.

Commerce Court No. 8.

Case dismissed by stipulation.

ABANDONED PROPERTY CASE.

In re Uniform System of Accounts for Steam Railroads.

Commission orders of June 3, 1907; June 1, 1908; June 21, 1909; and May 31, 1910.

Uniform system of accounts and classification of expenditures for additions and betterments prescribed.

Kansas City Southern Ry. Co. v. United States.

204 Fed. 641. April 21, 1913.

Commerce Court, No. 56.¹ Carland, *J.*

Commission's orders held to be valid, on the ground that they are reasonable, within the power of the Commission, and do not deprive complainant of its property without due process of law.

Kansas City Southern Ry. Co. v. United States.

231 U. S. 423. December 1, 1913. Pitney, *J.*

Commission's orders held to be valid in all respects, on the ground that they were proper, under section 20. Section 20 held not to be an unconstitutional delegation of legislative power to the Commission.

¹ Record transferred to the District Court for the Eastern District of Missouri, upon dissolution of the Commerce Court.

HARRIMAN INVESTIGATION.

In re Consolidations of Carriers.

12 I. C. C. 277. July 11, 1907.

Docket No. 943. Op. 467. Lane, *Comr.*

Edward H. Harriman and another witness declined to answer certain questions during an investigation by the Commission into the matter of the consolidation of certain railroads, including the acquisition and control of the Southern Pacific Co. by the Union Pacific Co.

Interstate Commerce Commission *v.* Harriman.

157 Fed. 432. January 15, 1908.

C. C.-S. D. N. Y. Hough, *J.*

Some of the questions were held proper, and the witnesses were directed to answer same. Other questions were held improper, and the witnesses were not directed to answer them.

Harriman *v.* Interstate Commerce Commission.

Kahn *v.* Same.

Interstate Commerce Commission *v.* Harriman.

211 U. S. 407. December 14, 1908. (See 22d Ann. Rep., 17.) Holmes, *J.*

Held, that the Commission has no authority to inquire into the matters concerning which the questions were asked, that the questions were therefore improper, and that the witnesses should not be required to answer any of the questions which they had declined to answer.

 UNION STOCK YARDS CASE.

In re Proposed Contract between the Union Stock Yards & Transit Co. and Pfaelzer & Sons.

Ex Parte Docket No. 25.

Proposed contract which provides for the payment of a certain sum of money by the Union Stock Yards & Transit Co. or affiliated interests to Pfaelzer & Sons to assist the latter in rebuilding their plant along the line of the former, held to be in violation of the act.

United States *v.* Union Stock Yards & Transit Co.

C. C. N. D. Ill.

Bill to enjoin the carrying out of the contract and to compel the filing of tariffs and reports by the Stock Yards Co., the Junction Co., and the Investment Co., transferred to the Commerce Court.

United States *v.* Union Stock Yards & Transit Co.

192 Fed. 330; 1 Com. Ct. 189, 225. November 14, 1911.

Commerce Court No. 15. Mack, *J.*

Writ of mandamus issued to compel the Junction Co. to file tariffs; but bill dismissed as to the Stock Yards Co. and the Investment Co. on the ground that they are not common carriers subject to the act, and that therefore the court has no jurisdiction to determine the legality of the contract. Bill also dismissed, in so far as it sought to compel the filing of reports by the Stock Yards Co. and the Junction Co. on the ground that there is no allegation in the bill that the Commission had by order required these companies to file reports.

United States v. Union Stock Yards & Transit Co.

192 Fed. 348. February 13, 1912.

Commerce Court No. 15. Mack, J.

Decision affirmed on rehearing.

United States v. Union Stock Yards.

Chicago Junction Ry. Co. v. United States.

226 U. S. 286. December 9, 1912. Day, J.

Held, that the contract constitutes an unlawful rebate and that its enforcement must be enjoined; that the Stock Yards Co. and the Investment Co. are common carriers subject to the act; that the Commerce Court had properly issued its writ of mandamus to compel the Junction Co. to file tariffs with the Commission; and that the Commerce Court properly declined to compel the Stock Yards Co. and the Junction Co. to file reports since these companies were under no obligation to file reports until required to do so by an order of the Commission.

BUFFALO GRAIN CASE.

Banner Milling Co. v. New York Central & Hudson River R. R. Co.

13 I. C. C. 31. December 18, 1907.

Docket No. 1197. Op. 526. Prouty, *Comr.*

Advanced rates on grain and grain products from Buffalo, N. Y., to New York City and certain New England points held unreasonable. Carriers given a limited time within which to reduce the rates to a specified amount.

Banner Milling Co. v. New York Central & Hudson River R. R. Co.

14 I. C. C. 398. June 27, 1908.

Docket No. 1535. Op. 692. Prouty, *Comr.*

Carriers ordered to reduce the rates to a specified amount.

New York Central & Hudson River R. R. Co. v. Interstate Commerce Commission.

Not reported. (See 22d Ann. Rep., 23.)

C. C. S. D. N. Y.

Commission's order held to be valid. Application for an injunction against order denied. Case withdrawn by railroads.

Banner Milling Co. v. New York Central & Hudson River R. R. Co.

19 I. C. C. 128. June 10, 1910.

Docket Nos. 1197 and 1535. Op. 1854. Prouty, *Comr.*

Upon rehearing of Commission cases, the carriers were permitted to make the advance.

CAR DISTRIBUTION CASE—TRAEER.

Traer, receiver of Illinois Collieries Co. v. Chicago & Alton R. R. Co.

Same v. Illinois Central R. R. Co.

13 I. C. C. 451. April 13, 1908.

Docket Nos. 1294, 1295, and 1317. Op. 599. Clark, *Comr.*

Carriers ordered to discontinue their existing practice of distributing coal cars in times of car shortage on the ground that it is unjustly discriminatory to fail to count "company fuel cars," "foreign railway cars," and "private cars" against the quota of the mines receiving such cars.

Chicago & Alton R. R. Co. v. Interstate Commerce Commission.

Illinois Central R. R. Co. v. Same.

173 Fed. 930. June 29, 1908.

C. C. N. D. Ill. Baker, J.

Commission's order held invalid in so far as it required carriers to count their own fuel cars against the distributive share of the mines receiving such cars. In other respects, Commission's order held to be valid.

Interstate Commerce Commission v. Illinois Central R. R. Co.

215 U. S. 452. January 10, 1910. White, J.

Commission's order held valid in all respects. Company fuel cars, also, it was held, are subject to regulation by the Commission.

Interstate Commerce Commission v. Chicago & Alton R. R. Co.

215 U. S. 479. January 10, 1910. White, J.

Commission's order held to be valid in all respects.

CARDIFF COAL CASE.

Cardiff Coal Co. v. Chicago, Milwaukee & St. Paul Ry. Co.

13 I. C. C. 460. April 6, 1908.

Docket No. 1040. Op. 600. Harlan, *Comr.*

Carriers required to reestablish a through route and joint rate from complainant's mine at Cardiff, Ill., on the ground that the cancellation of such route and rate subjects complainant to an unjust discrimination.

Chicago, Milwaukee & St. Paul Ry. Co. v. Interstate Commerce Commission.

C. C. N. D. Ill.

Bill to annul Commission's requirement transferred to Commerce Court.

Chicago, Milwaukee & St. Paul Ry. Co. v. Interstate Commerce Commission.

Not reported. April 3, 1911.

Commerce Court No. 17.

Case dismissed on motion of petitioning carrier.

THOMPSON LUMBER CASE.

Thompson Lumber Co. v. Illinois Central R. R. Co.

13 I. C. C. 657. June 1, 1908.

Docket No. 1227. Op. 631. Lane, *Comr.*

Carriers ordered to reduce from 12 to 10 cents per 100 pounds, their rate on hardwood lumber from Memphis, Tenn., to New Orleans, La., on the ground that 12-cent rate was unreasonable. Reparation to be awarded only on shipments moving after the filing of complaint with Commission.

Thompson Lumber Co. v. Illinois Central R. R. Co.

14 I. C. C. 566. November 9, 1908.

Docket No. 1227. Op. 723. Lane, *Comr.*

Held that staves, headings, and cooperage should be given the benefit of the reduced rate fixed for lumber in the former decision. Former decision on point of reparation adhered to.

Thompson Lumber Co. v. Illinois Central R. R. Co.

18 I. C. C. 83. March 7, 1910.

Docket No. 1227. Op. 1185. Lane, *Comr.*

Reparation awarded on shipments moving after filing of complaint but denied on shipments moving prior thereto.

Darnell v. Illinois Central R. R. Co.

190 Fed. 656. June 23, 1911.

C. C. W. D. Tenn., W. D. McCall, *J.*

Action at law to recover damages, based on decision of Commission, dismissed on the grounds (1) that there had been no award of reparation by the Commission in favor of the plaintiff, and (2) that, a state court having no jurisdiction of such a case, the Federal court acquired no jurisdiction by removal from such state court.

Darnell v. Illinois Central R. R. Co.

225 U. S. 243. June 7, 1912. White, *C. J.*

Case dismissed on ground that it could not be taken directly from the Federal circuit court to the Supreme Court. *Held, however*, that the right to take cognizance of a claim based on an award of reparation by the Commission is not confined solely to the Federal courts, but is equally possessed by state courts having general jurisdiction.

Thompson Lumber Co. v. Interstate Commerce Commission.

C. C. N. D. Ill., E. D.

Bill to annul Commission's order in so far as it denied reparation on shipments moving prior to filing of complaint, transferred to Commerce Court.

Thompson Lumber Co. v. Interstate Commerce Commission.

193 Fed. 682; 1 Com. Ct. 319. February 13, 1912.

Commerce Court No. 19. Archbald, *J.*

Held, that Commerce Court has jurisdiction of the case and that the Commission is without power to deny reparation solely on the ground of laches or to refuse to declare a rate unreasonable because its unreasonableness is not conclusively established by the complainant. It was held that it is only necessary for petitioners to show by a preponderance of proof that the rate is unreasonable.

Thompson Lumber Co. v. Interstate Commerce Commission.

Not reported. October 9, 1912.

Commerce Court No. 19.

Following Procter & Gamble v. U. S. (225 U. S., 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction, case dismissed for want of jurisdiction.

BURGESS LUMBER CASE.

Burgess v. Transcontinental Freight Bureau.

13 I. C. C. 668. June 2, 1908.

Docket No. 1138. Op. 632. Prouty, *Comr.*

Carriers ordered to reduce from 85 to 75 cents per 100 pounds their rate on lumber from Chicago, Ill., to Pacific coast, on the ground that the 85-cent rate was unreasonable. Reparation to be awarded only on shipments moving after filing of complaint with Commission.

Burgess v. Transcontinental Freight Bureau.

19 I. C. C. 611. October 10, 1910.

Docket No. 1138. U. R. No. 229. Prouty, *Comr.*

Reparation awarded on shipments moving after filing of complaint, but denied on shipments moving prior thereto.

Darnell-Taenzer Lumber Co. v. Southern Pacific Co.

190 Fed. 659. August 17, 1911.

C. C. W. D. Tenn., W. D. McCall, *J.*

Action at law to recover damages, based on Commission's award of reparation, dismissed on the ground that the declaration was faulty in that it did not aver that plaintiffs had paid the unreasonable rates nor that plaintiffs were damaged thereby. The report and order of the Commission, it was held, were not sufficient to make out a prima facie case, because such report and order failed to find that plaintiffs paid the unreasonable rate or that plaintiffs were actually damaged by reason of such unreasonable rate.

Russe & Burgess v. Interstate Commerce Commission.

C. C. N. D. Ill.

Bill to annul Commission's order in so far as it denied reparation on shipments moving prior to date of filing of complaint. Transferred to Commerce Court.

Russe & Burgess v. Interstate Commerce Commission.

193 Fed. 678; 1 Com. Ct. 311. February 13, 1912.

Commerce Court No. 18. Archbald, *J.*

Held that Commerce Court has jurisdiction of the case and that the Commission is without power to deny reparation solely on the ground of laches.

Russe & Burgess v. Interstate Commerce Commission.

Not reported. October 9, 1912.

Commerce Court No. 18.

Following *Procter & Gamble v. U. S.* (225 U. S., 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction, case dismissed for want of jurisdiction.

WILLAMETTE VALLEY LUMBER CASE.

Western Oregon Lumber Manufacturers Asso. v. Southern Pacific Co.

14 I. C. C. 61. June 1, 1908.

Docket No. 1331. Op. 637. Prouty, *Comr.*

Carriers ordered to reduce to a specified amount an advanced rate on rough green fir lumber from Willamette Valley, Oreg., to San Francisco, Cal., on the ground that such rate is unreasonable.

Southern Pacific Co. v. Interstate Commerce Commission.

C. C. N. D. Cal.

Case, undecided, certified to Supreme Court, because trial court was divided on the merits.

Southern Pacific Co. v. Interstate Commerce Commission.

215 U. S. 226. December 6, 1909. Fuller, *C. J.*

Certificate dismissed and case remanded to circuit court.

Southern Pacific Co. v. Interstate Commerce Commission.

177 Fed. 963. February 28, 1910.

C. C. N. D. Cal. Ross, J.

Commission's order held to be valid.

Southern Pacific Co. v. Interstate Commerce Commission.

219 U. S. 433. February 20, 1911. White, C. J.

Commission's order held to be invalid on the ground that it was based upon the assumed power of the Commission to prevent railroad companies from raising their rate on the theory that they were estopped to advance such rate on account of having maintained it for a considerable period. Such power, it was held, has not been conferred upon the Commission.

Oregon & Washington Lumber Manufacturers Asso. v. Southern Pacific Co.

21 I. C. C. 389. June 22, 1911.

Docket No. 3571. Op. 1625. Prouty, *Comr.*

Excluding the element of estoppel from consideration, the Commission again ordered the carriers to reduce to a specified amount the advanced rate on rough green fir lumber from Willamette Valley, Oreg., to San Francisco, Cal., on the ground that such rate was unreasonable.

Southern Pacific Co. v. United States.

197 Fed. 167. June 7, 1912.

Commerce Court No. 59.¹ Archbald, J.

Commission's order held to be valid.

Southern Pacific Co. v. United States.

232 U. S. 736. March 17, 1914.

Dismissed on motion of appellants.

CAB DISTRIBUTION CASE.
Rail & River Coal Co. v. Baltimore & Ohio R. R. Co.

14 I. C. C. 86. June 2, 1908.

Docket No. 1322. Op. 640. Harlan, *Comr.*

Carriers ordered to discontinue their existing practice of distributing coal cars in times of car shortage on the ground that it is unjustly discriminatory to fail to count "railway fuel cars," and "private cars" against the quota of the mines receiving such cars.

Baltimore & Ohio R. R. Co. v. Interstate Commerce Commission.

Not reported. December 14, 1908.

C. C. D. Md.

After denying a preliminary injunction against the enforcement of the Commission's order, the circuit court, being divided in opinion on the merits of the case, certified the case, undecided, to the Supreme Court.

Baltimore & Ohio R. R. Co. v. Interstate Commerce Commission.

215 U. S. 216. December 6, 1909. Fuller, C. J.

Case remanded to circuit court without decision, on the ground that a whole case can not be certified to the Supreme Court.

¹The record in this case was transferred to the District Court for the District of Oregon, upon dissolution of the Commerce Court.

RAHWAY VALLEY CASE.

Rahway Valley R. R. Co. v. Delaware, Lackawanna & Western R. R. Co.
 14 I. C. C. 191. June 24, 1908.

Docket No. 1351. Op. 665. Lane, *Comr.*

Carrier ordered to establish a switch connection at Summit, N. J., with complainant short line, upon application of such short line.

Delaware, Lackawanna & Western R. R. Co. v. Interstate Commerce Commission.
 166 Fed. 498. October 22, 1908. (22d Ann. Rep., 63.)

C. C. S. D. N. Y. *Per curiam.*

Commission's order held to be invalid on the ground that the Commission has authority to order the establishment of a switch connection with a lateral branch line of railroad only upon application of a shipper.

Interstate Commerce Commission v. Delaware, Lackawanna & Western R. R. Co.
 216 U. S. 531. March 7, 1910. Holmes, *J.*

Commission's order held to be invalid on the ground stated by the lower court.

Delaware, Lackawanna & Western R. R. Co. v. Interstate Commerce Commission.
 Not reported. May 25, 1911. (See 25th Ann. Rep., 208.)

Commerce Court No. 28.

Commission's order held invalid and its enforcement permanently enjoined in accordance with mandate of Supreme Court.

 GALVESTON WHARFAGE CASE.

Elchenberg v. Southern Pacific Co.

14 I. C. C. 250. June 24, 1908.

Docket No. 1277. Op. 647. Knapp, *Comr.*

Carriers ordered to discontinue their practice of granting to one Young exclusive wharfage facilities at Galveston, Tex., and exempting him from payment of wharfage charges, while denying similar facilities to other shippers and exacting wharfage charges from them on the ground that the existing practice constitutes an undue preference under section 3.

Southern Pacific Terminal Co. v. Interstate Commerce Commission.

166 Fed. 134. December 18, 1908.

C. C. S. D. Tex. Pardee, *J.*

Preliminary injunction against enforcement of Commission's order denied. Application to certify case to Supreme Court denied.

Southern Pacific Terminal Co. v. Interstate Commerce Commission.

Not reported. December 23, 1909.

C. C. S. D. Tex.

Commission's order held to be valid.

Southern Pacific Terminal Co. v. Interstate Commerce Commission.

219 U. S. 498. February 20, 1911. McKenna, *J.*

Commission's order held to be valid on the ground that the practice of the carriers constitutes an undue preference.

Eichenberg v. Southern Pacific Co.

28 I. C. C. 584. December 8, 1913.

Docket No. 1277. Op. 2493. McChord, Comr.
Reparation awarded.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.

Commission order of March 3, 1908.

Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by act of March 4, 1907.

Baltimore & Ohio R. R. Co. v. Interstate Commerce Commission.

Not reported. March 12, 1909.

C. C. D. Md.

Petition dismissed and order of Commission held to be valid.

Baltimore & Ohio R. R. Co. v. Interstate Commerce Commission.

221 U. S. 612. May 29, 1911. Hughes, J. (See 25th Ann. Rep., 83.)

Hours of service act held to be constitutional and order of Commission held to be valid.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.

Commission order of March 3, 1908.

Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by the act of March 4, 1907.

New York, Ontario & Western Ry. Co. v. Interstate Commerce Commission.

C. C. S. D. N. Y.

Bill to annul Commission's order transferred to Commerce Court.

New York, Ontario & Western Ry. Co. v. Interstate Commerce Commission.

Not reported. October 2, 1911.

Commerce Court No. 11.

Case dismissed by stipulation.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.

Commission order of March 3, 1908.

Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by the act of March 4, 1907.

Central R. R. Co. of N. J. v. Interstate Commerce Commission.

C. C. S. D. N. Y.

Bill to annul Commission's order transferred to Commerce Court.

Central R. R. Co. of N. J. v. Interstate Commerce Commission.

Not reported. October 2, 1911.

Commerce Court No. 12.

Case dismissed by stipulation.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.

Commission order of March 3, 1908.

Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by act of March 4, 1907.

Delaware, Lackawanna & Western Ry. Co. v. Interstate Commerce Commission.

C. C. S. D. N. Y.

Bill to annul Commission's order transferred to Commerce Court.

Delaware, Lackawanna & Western Ry. Co. v. Interstate Commerce Commission.

Not reported. October 2, 1911.

Commerce Court No. 13.

Case dismissed by stipulation.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.

Commission order of March 3, 1908.

Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by the act of March 4, 1907.

New York Central & Hudson River R. R. Co. v. Interstate Commerce Commission.

C. C. S. D. N. Y.

Bill to annul Commission's order transferred to Commerce Court.

New York Central & Hudson River R. R. Co. v. Interstate Commerce Commission.

Not reported. October 2, 1911.

Commerce Court No. 14.

Case dismissed by stipulation.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.

Commission order of March 3, 1908.

Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by the act of March 4, 1907.

Pennsylvania R. R. Co. v. Interstate Commerce Commission.

C. C. E. D. Pa.

Bill to annul Commission's order transferred to Commerce Court.

Pennsylvania R. R. Co. v. Interstate Commerce Commission.

Not reported. October 2, 1911.

Commerce Court No. 29.

Case dismissed by stipulation.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.

Commission order of March 3, 1908.

Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by the act of March 4, 1907.

Lehigh Valley R. R. Co. v. Interstate Commerce Commission.
C. C. E. D. Pa.
Bill to annul Commission's order transferred to Commerce Court.

Lehigh Valley R. R. Co. v. Interstate Commerce Commission.
Not reported. October 2, 1911.
Commerce Court No. 30.
Case dismissed by stipulation.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.
Commission order of March 3, 1908.
Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by the act of March 4, 1907.

Philadelphia & Reading Ry. Co. v. Interstate Commerce Commission.
C. C. E. D. Pa.
Bill to annul Commission's order transferred to Commerce Court.

Philadelphia & Reading Ry. Co. v. Interstate Commerce Commission.
Not reported. October 2, 1911.
Commerce Court No. 37.
Case dismissed by stipulation.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.
Commission order of March 3, 1908.
Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by the act of March 4, 1907.

Boston & Maine R. R. Co. v. Interstate Commerce Commission.
C. C. D. Mass.
Bill to annul Commission's order transferred to Commerce Court.

Boston & Maine R. R. Co. v. Interstate Commerce Commission.
Not reported. October 2, 1911.
Commerce Court No. 32.
Case dismissed by stipulation.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.
Commission order of March 3, 1908.
Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by the act of March 4, 1907.

New York, New Haven & Hartford R. R. Co. v. Interstate Commerce Commission.
C. C. D. Conn.
Bill to annul Commission's order transferred to Commerce Court.

New York, New Haven & Hartford R. R. Co. v. Interstate Commerce Commission.

Not reported. October 2, 1911.
Commerce Court No. 45.
Case dismissed by stipulation.

HOURS OF SERVICE REPORTS.

In re Hours of Service Reports.

Commission order of March 3, 1908.

Carriers ordered to report all cases where employees have been on duty for a period longer than permitted by the act of March 4, 1907.

Erie R. R. Co. v. Interstate Commerce Commission.

C. C. D. N. J.

Bill by carriers to annul Commission's order transferred to Commerce Court.

Erie R. R. Co. v. Interstate Commerce Commission.

Not reported. October 2, 1911.
Commerce Court No. 48.
Case dismissed by stipulation.

BAER BROS. CASE.

Baer Bros. Mercantile Co. v. Missouri Pacific Ry. Co.

13 I. C. C. 329. April 6, 1908.

Docket No. 1060. Op. 583. Prouty, Comr.

Reparation awarded on account of unreasonable rates collected for the transportation of beer from Pueblo, Colo., to Leadville, Colo., originating in St. Louis, Mo.

Baer Bros. Mercantile Co. v. Missouri Pacific Ry. Co.

Not reported.

C. C. D. Colo.

Action brought to enforce order of Commission on award of reparation. At the trial the court directed a verdict and rendered judgment in favor of plaintiff.

Denver & Rio Grande R. R. Co. v. Baer Bros. Mercantile Co.

187 Fed. 485. May 18, 1911.

C. C. of Apps. 8th Cir. Sanborn, J.

Lower court reversed. Order prescribing maximum rate for future should have been entered as condition precedent to an award of reparation.

Baer Bros. Mercantile Co. v. Denver & Rio Grande R. R. Co.

233 U. S. 479. April 27, 1914. Lamar, J.

Circuit court of appeals reversed and decision of circuit court affirmed.

MISSOURI RIVER RATE CASE.

Burnham, Hanna, Munger Dry Goods Co. v. Chicago, Rock Island & Pacific Ry. Co.

14 I. C. C. 299. June 24, 1908.

Docket No. 983. Op. 690. Clark, *Comr.*

Carriers ordered to reduce that portion of a combination through rate which applied to the haul between the Mississippi and Missouri Rivers on traffic moving from the Atlantic seaboard to Kansas City, Mo., and other Missouri River cities, on the ground that such factor of the through rate is unreasonable.

Chicago, Rock Island & Pacific Ry. Co. v. Interstate Commerce Commission.

Not reported. November 6, 1908.

C. C. N. D. Ill., E. D. Grosscup, *J.*

Temporary injunction granted against enforcement of Commission's order on the ground that it disturbed commercial conditions that had grown up under the former rate basis.

Chicago, Rock Island & Pacific Ry. Co. v. Interstate Commerce Commission.

171 Fed. 680. August 24, 1909.

C. C. N. D. Ill., E. D. Grosscup, *J.*

Commission's order held invalid on the ground that it arbitrarily created trade zones. Enforcement of order permanently enjoined.

Interstate Commerce Commission v. Chicago, Rock Island & Pacific Ry. Co.

Burnham, Hanna, Munger Dry Goods Co. v. Same.

218 U. S. 88. May 31, 1910. McKenna, *J.*

Commission's order held to be valid in all respects. It did not, the court held, arbitrarily create trade zones.

THROUGH RATE CASE.

Flint & Walling Mfg. Co. v. Lake Shore & Michigan Southern Ry. Co.

14 I. C. C. 336. June 27, 1908.

Docket No. 1498. Op. 684. Prouty, *Comr.*

Carriers ordered to reduce their joint rate on water tanks and substructures from Kendallville, Ind., to Beaver Dam, Wis., on the ground that the joint rate is unreasonable to extent that it exceeds the combination of local rates. Reparation awarded.

Chicago, Milwaukee & St. Paul Ry. Co. v. Interstate Commerce Commission.

Not reported. April 20, 1909.

C. C. N. D. Ill., E. D.

Bill dismissed; Commission's order held to be valid.

HECKER-JONES-JEWELL CASE.

Hecker-Jones-Jewell Milling Co. v. Baltimore & Ohio R. R. Co.

14 I. C. C. 356. June 24, 1908.

Docket No. 1304. Op. 688. Prouty, *Comr.*

Carriers ordered to desist from according to flour milled at interior points a lower rate for export than is imposed upon the grain of complainant, located at New York City, which is subsequently ground into flour and other products which are exported.

New York Central & Hudson River R. R. Co. *v.* Interstate Commerce Commission.

168 Fed. 131. February 8, 1909.

C. C. S. D. N. Y. Noyes, *J.*

Temporary injunction against enforcement of Commission's order denied.
Case transferred to Commerce Court.

New York Central & Hudson River R. R. Co. *v.* Interstate Commerce Commission.

Not reported. April 3, 1911.

Commerce Court No. 27.

Case dismissed without opinion upon motion of petitioning carrier.

CONSOLIDATED SHIPMENT CASE.

California Commercial Asso. *v.* Wells, Fargo & Co.

14 I. C. C. 422. June 22, 1908. (22d Annual Rep., 11.)

Docket No. 1280. Op. 694. Lane, *Comr.*

Express company ordered to apply carload rates on consolidated carload shipments on the ground that the practice of charging the parcel rate on each package in such consolidated carload shipments is unreasonable and unjustly discriminatory.

Wells, Fargo & Co. *v.* Interstate Commerce Commission.

Not reported.

C. C. S. D. N. Y.

Pending the determination of the case of Export Shipping Co. *v.* Wabash R. R. Co. (14 I. C. C. 437; 166 Fed. 499; 220 U. S., 235), the order in this case was suspended by the Commission. There was therefore no action by the court.

California Commercial Asso. *v.* Wells, Fargo & Co.

21 I. C. C. 300. June 22, 1911.

Docket No. 1280. Op. 1620. Lane, *Comr.*

Former order and decision adhered to.

CONSOLIDATED SHIPMENT CASE.

Export Shipping Co. *v.* Wabash R. R. Co.

14 I. C. C. 437. June 22, 1908.

Docket Nos. 1228, 1229, and 1230. Op. 695. Lane, *Comr.*

Carriers ordered to apply carload rates on consolidated carload shipments on the ground that the practice of charging the parcel rate on each package in such consolidated carload shipments is unreasonable and unjustly discriminatory.

Delaware, Lackawanna & Western R. R. Co. *v.* Interstate Commerce Commission.

166 Fed. 499. November 27, 1908.

C. C. S. D. N. Y. *Per curiam.*

Commission's order held invalid on the ground that the practice of the carriers was reasonable.

Delaware, Lackawanna & Western R. R. Co. v. Interstate Commerce Commission.

169 Fed. 894. February 18, 1908.

C. C. S. D. N. Y. *Per curiam*.

In granting application of the American Forwarding Co., Transcontinental Freight Co., and Rockford Manufacturers & Shippers Association to intervene as parties defendant the court said: It is not to be understood to be sanctioning a practice which would allow every interested person to intervene in proceedings of this nature.

Interstate Commerce Commission v. Delaware, Lackawanna & Western R. R. Co.

230 U. S. 235. April 3, 1911. White, *C. J.*

Commission's order held valid on the ground that a carrier can not refuse to transport carload lots at carload rates merely because the goods do not actually belong to one shipper or merely because they are shipped by a forwarding agency.

FLORIDA EAST COAST CASE.

Florida Fruit & Vegetable Shippers' Protective Asso. v. Atlantic Coast Line R. R. Co.

14 I. C. C. 476. June 25, 1908.

Docket No. 1168. Op. 698. Prouty, *Comr.*

Carriers ordered to reduce to a specified amount their rates on oranges, pineapples, and vegetables from Jacksonville, Fla., to northeastern and other points on the ground that the existing rates are unreasonable.

Florida Fruit & Vegetable Shippers' Protective Asso. v. Atlantic Coast Line R. R. Co.

17 I. C. C. 552. February 8, 1910.

Docket Nos. 1168 and 2566. Op. 1153. Prouty, *Comr.*

Carriers ordered to reduce to a specified amount their rates and to modify their regulations and practices in connection with the transportation of citrus fruits, pineapples, and vegetables from Jacksonville, Fla., and other Florida base points to Chicago, Ill., Baltimore, Md., and other points, on the ground that the existing rates, regulations, and practices are unreasonable.

Florida Fruit & Vegetable Shippers' Protective Asso. v. Atlantic Coast Line R. R. Co.

Same v. Alabama & Vicksburg Ry. Co.

21 I. C. C. 677. June 20, 1911.

Docket Nos. 1168 and 2566. Unreported Op. 418. Prouty, *Comr.*

Carriers ordered to reduce to a specified amount their rates on citrus fruits from Jacksonville, Fla., and other Florida base points to points not enumerated in former order (17 I. C. C. 552).

Florida Fruit & Vegetable Shippers' Protective Asso. v. Atlantic Coast Line R. R. Co.

Railroad Commission of Florida v. Seaboard Air Line Ry. Co.

22 I. C. C. 11. November 6, 1911.

Docket Nos. 1168 and 3808. Op. 1687. Prouty, *Comr.*

Carriers ordered to reduce to a specified amount their rates on pineapples, citrus fruits, and vegetables from producing points in Florida to Jacksonville, Fla., when destined for points beyond in other states, on the ground that such rates are unreasonable.

Florida East Coast Ry. Co. v. United States.

200 Fed. 797. November 13, 1912.

Commerce Court No. 58.¹ Mack, *J.*

Commission's order held to be valid on the ground that the Commission's findings were based on sufficient evidence and that the rates fixed are not confiscatory.

Florida East Coast Ry. Co. v. United States.

234 U. S. 167. June 8, 1914. White, *C. J.*

Action of Commerce Court reversed and case remanded to district court with directions to restrain enforcement of order of Commission.

LIGHTERAGE ALLOWANCE CASE.

In re Allowance for Transfer of Sugar.

14 I. C. C. 619. December 12, 1908.

Docket No. 1487. Op. 742. Cockrell, *Comr.*

In accordance with a provision to that effect in their tariffs, certain carriers paid an allowance of 2 cents per 100 pounds to shippers at New York City for carting or lightering their sugar from their refineries to the railroad stations. Held, that this constitutes an unlawful rebate. The payment of the allowance was prohibited; but no order was entered.

American Sugar Refining Co. v. Delaware, Lackawanna & Western R. R. Co.

Same v. New York Central & Hudson River R. R. Co.

200 Fed. 652. November 21, 1912.

D. C. D. N. J. Rellstab, *J.*

Without canceling the tariff provision for the payment thereof, defendant carriers discontinued payment of the allowance. This action was brought to recover the unpaid allowance. Case dismissed on the ground that the mere decision of the Commission, without an order, prohibiting the payment of the allowance on the ground that it was a rebate, eliminated the provision from the tariff, and that the carriers could not be compelled to pay the allowance.

American Sugar Refining Co. v. Delaware, Lackawanna & Western R. R. Co.

Same v. New York Central & Hudson River R. R. Co.

207 Fed. 733. August 19, 1913.

C. C. A. 3d Cir. Gray, *J.*

Lower court reversed on the ground that the mere decision of the Commission did not eliminate the allowance provision from the tariffs, and that the complainant was entitled to recover the full amount of the unpaid allowance. Only by a formal order, it was held, can the Commission annul or change a regulation or practice contained in a filed tariff.

LIGHTERAGE ALLOWANCE CASE—FEDERAL SUGAR.

Federal Sugar Refining Co. v. Baltimore & Ohio R. R. Co.

17 I. C. C. 40. June 24, 1909.

Docket No. 1082. Op. 1039. Knapp, *Comr.*

For services rendered Arbuckle Bros. in furnishing, within the free lighterage limits of New York, a terminal, terminal facilities, and in lightering mer-

¹ The record in this case, upon dissolution of the Commerce Court, was transferred to the District Court for the Southern District of Florida.

chandise from such terminal to defendant's railroad station defendant paid to Arbuckle Bros. a certain money allowance upon each 100 pounds of merchandise passing through such terminal, such allowance being paid on the sugar of Arbuckle Bros. as well as on goods of other shippers. At the same time defendant refused to pay a similar allowance to complainant's refinery at Yonkers, N. Y., a point outside the lighterage limits. *Held*, that the denial of such allowance to complainant was not in violation of the act. Complaint dismissed.

Federal Sugar Refining Co. v. Baltimore & Ohio R. R. Co.

20 I. C. C. 800. December 5, 1910.

Docket No. 2888. Op. 1500. Harlan, *Comr.*

After the above case was decided, complainant changed its method of handling its sugar. Under the new arrangement it lightered its sugar from its refinery to Pier 24, a point within the lighterage limits, and again from the pier to defendant's railroad station. The Commission ordered the carriers to discontinue its practice of paying an allowance to Arbuckle Bros. on its sugar, while at the same time denying a similar allowance to complainant on its sugar moving from Pier 24 to defendant's railroad station, on the ground that the existing practice subjected complainant to an undue discrimination.

Baltimore & Ohio R. R. Co. v. United States.

Not reported. May 22, 1911.

Commerce Court No. 38.

Enforcement of Commission's order temporarily enjoined. No written opinion.

United States v. Baltimore & Ohio R. R. Co.

225 U. S. 306. June 10, 1912. White, *C. J.*

Commerce Court decree affirmed on the ground that the Commerce Court has authority to issue a temporary injunction in a case like this.

Baltimore & Ohio R. R. Co. v. United States.

200 Fed. 779. November 15, 1912.

Commerce Court No. 38. Carland, *J.*

Commission's order held to be invalid on the ground that, as a matter of law, the practice of defendant in the matter of lighterage allowances was not unlawful.

United States v. Baltimore & Ohio R. R. Co.

231 U. S. 274. December 1, 1913. Lurton, *J.*

Commission's order held to be invalid on the ground that, as a matter of law, the practice of defendant in the matter of lighterage allowances was not unlawful.

PYRITES CINDER CASE.

Naylor & Co. v. Lehigh Valley R. R. Co.

15 I. C. C. 9. January 5, 1909.

Docket No. 1511. Op. 746. Lane, *Comr.*

Carrier ordered to reduce rates on pyrites cinders from Buffalo, N. Y., to Pennsylvania and New Jersey points on the ground that the existing rates are unreasonable. Reparation denied.

Naylor & Co. v. Lehigh Valley R. R. Co.

18 I. C. C. 624. June 2, 1910.

Docket No. 1511. U. R. No. 168. Lane, *Comr.*

Upon rehearing, reparation awarded.

Clark v. Lehigh Valley R. R. Co.

Not reported.

D. C. E. D. Pa. Holland, *J.*

Damages awarded on basis of Commission's award of reparation.

Lehigh Valley R. R. Co. v. Clark.

207 Fed. 717. August 25, 1913.

C. C. A. 3d Cir. Gray, *J.*

Lower court reversed on the ground that there was no proof of damage. It was held that the report of the Commission did not contain findings of fact sufficient to constitute a prima facie case of actual damage by the plaintiff.

FLAXSEED CASE.

Red Wing Linseed Co. v. Chicago, Milwaukee & St. Paul Ry. Co.

15 I. C. C. 47. January 5, 1909.

Docket No. 1896. Op. 757. Clark, *Comr.*

Carriers ordered to reduce to a specified amount their rate on flaxseed from Britton, S. Dak., to Red Wing, Minn., on the ground that such rate was unreasonable. Reparation awarded.

Chicago, Milwaukee & St. Paul Ry. Co. v. Interstate Commerce Commission.

Bill to annul Commission's order transferred to Commerce Court.

Chicago, Milwaukee & St. Paul Ry. Co. v. Interstate Commerce Commission.

Not reported. April 3, 1911.

Commerce Court No. 16.

Case dismissed on motion of petitioning carrier.

MISROUTING CASE.

Woodward & Dickerson v. Louisville & Nashville R. R. Co.

15 I. C. C. 170. February 1, 1909.

Docket No. 1726. Op. 778. Lane, *Comr.*

Carriers ordered to pay to complainant, as reparation, the difference between the rate actually paid and the rate applicable via route designated by the shipper on the ground that the carriers had misrouted a shipment of crude phosphate rock, moving from St. Blaise, Tenn., to Riddlesburg, Pa. A letter from complainant, setting forth the facts, was held to constitute a sufficient complaint to stop the running of the statute of limitations.

Dickerson v. Louisville & Nashville R. R. Co.

187 Fed. 874. July 26, 1910.

C. C. S. D., Ohio, W. D. Hollister, *J.*

Damages awarded on basis of Commission's award of reparation.

Louisville & Nashville R. R. Co. v. Dickerson.

191 Fed. 705. November 7, 1911.

C. C. A. 6th Cir. Knappen, *J.*

Lower court sustained. Judgment included an allowance of attorney's fee in both courts.

PLANT FACILITY CASE.

Crane Railroad Co. v. Philadelphia & Reading Ry. Co.

15 I. C. C. 248. February 2, 1909.

Docket No. 1112. Op. 797. Knapp, *Comr.*

Held, that complainant is not entitled to the establishment of through routes and joint rates with defendant on ground, among others, that it is not shown that complainant is a common carrier. Complaint dismissed.

Crane Iron Works v. Central R. R. of N. J.

17 I. C. C. 514. February 8, 1910.

Docket No. 2673. Op. 1146. Prouty, *Comr.*

Complaint, seeking establishment of through routes and joint rates in connection with the Crane Railroad (an industrial road performing a plant facility service) dismissed.

Crane Iron Works v. Interstate Commerce Commission.

Not reported. November 10, 1911. (See 24 Ann. Rep., 21.)

Sup. Ct. D. C.

Petition for mandamus to compel Commission to grant relief asked. Suit discontinued upon motion of plaintiff's attorney.

Crane Iron Works v. United States.

209 Fed. 238. June 7, 1912.

Commerce Court No. 55. Knapp, *J.*

Commission's order of dismissal held to be valid on the ground that the Commission is vested, by section 15, with discretion in the matter of establishing joint through route and that the refusal of the Commission to establish such a route in this case was a lawful and proper exercise of that discretion.

Crane Iron Works v. United States.

Commerce Ct. No. 55.

June 29, 1912.

Following *Procter & Gamble v. U. S.* (225 U. S., 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction, case dismissed for want of jurisdiction.

DENVER RATE CASE.

Kindel v. New York, New Haven & Hartford R. R. Co.

15 I. C. C. 555. March 2, 1909.

Docket No. 951. Op. 853. Clark, *Comr.*

Carriers ordered to reduce certain rates from the Missouri River, Chicago, Ill., and St. Louis, Mo., to Denver, Colo., and from Denver to Utah common points on the ground that the rates are unreasonable and unduly prejudicial to Denver.

Chicago, Rock Island & Pacific Ry. Co. *v.* Interstate Commerce Commission.

Chicago, Burlington & Quincy R. R. Co. *v.* Interstate Commerce Commission.

171 Fed. 680. August 24, 1909.

C. C. N. D. Ill., E. D. Grosscup, *J.*

Commission's order held invalid on the ground that it arbitrarily created trade zones.

Interstate Commerce Commission *v.* Chicago, Burlington & Quincy R. R. Co.

218 U. S. 113. May 31, 1911. McKenna, *J.*

Commission's order held to be valid in all respects. It did not, it was held, arbitrarily create trade zones.

NORTHWESTERN LUMBER CASES.

Kalispell Lumber Co. *v.* Great Northern Ry. Co.

157 Fed. 845. December 4, 1907.

C. C. D., Mont. Hunt, *J.*

Pending determination by the Commission of the reasonableness of advanced rates, effective November 1, 1907, on lumber and other forest products from the Flathead district, Mont., to North Dakota and other States, an injunction was granted restraining the enforcement of the new rates, notwithstanding the fact that the new rates had already gone into effect before the bill for the injunction was filed.

Great Northern Ry. Co. *v.* Kalispell Lumber Co.

165 Fed. 25. October 5, 1908.

C. C. A. 9th Cir. Gilbert, *J.*

Lower court reversed on ground that the court had no jurisdiction to restrain the enforcement of the new rates after such rates had gone into effect.

Kalispell Lumber Co. *v.* Great Northern Ry. Co.

16 I. C. C. 164. May 4, 1909.

Docket No. 1365. Op. 910. Cockrell, *Comr.*

Carriers ordered to reduce the advanced rates on the ground that the advanced rates are unreasonable.

Potlatch Lumber Co. *v.* Spokane Falls & N. Ry. Co.

157 Fed. 588. December 24, 1907.

C. C. E. D. Wash., E. D. Whitson, *J.*

Pending determination by the Commission of the reasonableness of advanced rates, effective November 1, 1907, on lumber and other forest products from Washington to other States, an injunction restraining the enforcement of the new rates was denied on the ground that the court has no jurisdiction to issue such injunction after the new rates had gone into effect.

Potlatch Lumber Co. *v.* Northern Pacific Ry. Co.

14 I. C. C. 41. June 2, 1908.

Docket No. 1348. Op. 635. Cockrell, *Comr.*

Carriers ordered to reduce the advanced rates on the ground that the advanced rates are unreasonable.

Oregon & Washington Lumber Mfrs. Asso. v. Union Pacific R. R. Co.

Not reported. October 31, 1907.

C. C. D. Oreg. Wolverton, *J.*

Pending determination by the Commission of the reasonableness of advanced rates, effective November 1, 1907, on lumber and other forest products from Oregon to other states, an injunction was granted restraining the enforcement of the new rates, the bill therefor having been filed before the new rates went into effect.

Union Pacific R. R. Co. v. Oregon & Washington Lumber Mfrs. Asso.

165 Fed. 13. October 5, 1908.

C. C. A. 9th Cir. Gilbert, *J.*

Lower court affirmed on the ground that the court has authority to restrain the enforcement of the new rates before such rates had gone into effect.

Oregon & Washington Lumber Mfrs. Asso. v. Union Pacific R. R. Co.

14 I. C. C. 1. June 2, 1908.

Docket No. 1327. Op. 633. Clark, *Comr.*

Carriers ordered to reduce the advanced rates on the ground that the advanced rates are unreasonable.

Pacific Coast Lumber Mfrs. Asso. v. Northern Pacific Ry. Co.

Not reported. October 31, 1907.

C. C. W. D. Wash. Hanford, *J.*

Pending determination by the Commission of the reasonableness of advanced rates, effective November 1, 1907, on lumber and other forest products from Washington to other states, an injunction was granted restraining the enforcement of the new rates, the bill therefor having been filed before the new rates went into effect.

Northern Pacific Ry. Co. v. Pacific Coast Lumber Mfrs. Asso.

165 Fed. 1. October 5, 1908.

C. C. A. 9th Cir. Gilbert, *J.*

Lower court affirmed on the ground that the court has jurisdiction to restrain the enforcement of the new rates before such rates went into effect.

Pacific Coast Lumber Mfrs. Asso. v. Northern Pacific Ry. Co.

Southwest Washington Lumber Mfrs. Asso. v. Same.

14 I. C. C. 23. June 2, 1908.

Docket Nos. 1329 and 1335. Op. 634. Clements, *Comr.*

Carriers ordered to reduce the advanced rates on the ground that the advanced rates are unreasonable.

Pacific Coast Lumber Mfrs. Asso. v. Northern Pacific Ry. Co.

Potlatch Lumber Co. v. Same.

16 I. C. C. 465. June 22, 1909.

Docket Nos. 1329 and 1348. Op. 993. Clark, *Comr.*

Rehearing and modification of prior orders of Commission in these cases denied.

Northern Pacific Ry. Co. *v.* Interstate Commerce Commission.

Union Pacific R. R. Co. *v.* Same.

Great Northern Ry. Co. *v.* Same.

Not reported. October 9, 1910.

C. C. D. Minn. *Per curiam.*

Orders of Commission held invalid on the ground that the rates fixed by the Commission are unreasonably low.

Interstate Commerce Commission *v.* Union Pacific R. R. Co.

Same *v.* Northern Pacific Ry. Co.

Same *v.* Great Northern Ry. Co.

222 U. S. 541. January 9, 1912. Lamar, J.

Commission's order held to be valid.

PORTLAND GATEWAY CASE.

In re Through Passenger Routes via Portland, Oreg.

16 I. C. C. 300. May 4, 1909. (See 23d Ann. Rep., 7.)

Docket No. 1544. Op. 938. Prouty, *Comr.*

Carriers ordered to establish a through route and joint rate for passengers and baggage from Seattle, Wash., to various destinations via Portland, Oreg., on the ground that an existing through route is not "reasonable and satisfactory."

Northern Pacific Ry. Co. *v.* Interstate Commerce Commission.

Not reported. June 5, 1909. (See 23d Ann. Rep., 37.)

C. C. D. Minn.

Enforcement of Commission's order temporarily restrained on the ground that the Commission had no authority to make the order.

Interstate Commerce Commission *v.* Northern Pacific Ry. Co.

216 U. S. 538. March 7, 1910. Holmes, J.

Commission's order held invalid on the ground that a satisfactory through route already existed. It was held that the existence of a satisfactory through route precludes the Commission from establishing another.

TRANSIT PRIVILEGE CASE.

Duncan & Co. *v.* Nashville, Chattanooga & St. Louis Ry. Co.

16 I. C. C. 590. June 24, 1909.

Docket No. 1698. Op. 1026. Clements, *Comr.*

Carriers ordered to discontinue their practice of paying an elevation allowance and granting the privilege of reshipping or rebilling at Nashville, Tenn., in connection with shipments of hay, grain, and grain products while denying such privileges at Atlanta, Columbus, and certain other Georgia cities on the ground that the existing practices subject the Georgia cities to an undue prejudice and disadvantage.

Duncan & Co. v. Nashville, Chattanooga & St. Louis Ry. Co.

21 I. C. C. 186. June 9, 1911.

Docket No. 1698. Op. 1593. Clements, *Comr.*

Former decision affirmed upon further hearing.

Nashville Grain Exchange v. United States.

Louisville & Nashville R. R. Co. v. United States.

191 Fed. 37. October 24, 1911.

Commerce Court Nos. 46¹ and 47. Carland, *J.*

Enforcement of Commission's order enjoined pending final determination of the case.

Louisville & Nashville R. R. Co. v. United States.

197 Fed. 58. June 7, 1912.

Commerce Court No. 47. Carland, *J.*

Commission's order held invalid on the ground that competition at Nashville justifies the granting of the privileges at that point while denying such privileges at the Georgia cities.

Louisville & Nashville R. R. Co. v. United States.

Pending Supreme Court, United States.

DES MOINES PROPORTIONAL RATE CASE.

Greater Des Moines Committee v. Chicago, Rock Island & Pacific Ry. Co.

17 I. C. C. 54. June 25, 1909.

Docket Nos. 1231 and 1289. Op. 1040. Lane, *Comr.*

Carriers ordered to reduce to a specified amount their proportional rates on through traffic to Des Moines, Iowa, on the ground that existing rates are unreasonable.

Chicago, Rock Island & Pacific Ry. Co. v. Interstate Commerce Commission.

C. C. N. D. Ill., E. D.

Bill to annul Commission's order transferred to Commerce Court.

Chicago, Rock Island & Pacific Ry. Co. v. Interstate Commerce Commission.

Not reported. April 18, 1912.

Commerce Court No. 20.

Case dismissed by stipulation.

BIG VEIN COAL CASE.

American Coal Co. v. Baltimore & Ohio R. R. Co.

17 I. C. C. 149. June 7, 1909.

Docket No. 2024. Op. 1059. Harlan, *Comr.*

Carriers charging a higher rate on big-vein than on small-vein coal from Georges Creek Basin, Md., to New York City and other coast points, on the ground that the existing rate adjustment constitutes an undue prejudice.

¹ No. 46 was consolidated with No. 47. Record transferred to the District Court for the Middle District of Tennessee upon dissolution of the Commerce Court.

Philadelphia & Reading Ry. Co. v. Interstate Commerce Commission.
 174 Fed. 687. November 20, 1909.
 C. C. E. D. Pa. Buffington, J.
 Commission's order held to be valid.

LEADVILLE BEER CASE.

Baer Bros. Mercantile Co. v. Missouri Pacific Ry. Co.
 17 I. C. C. 225. November 26, 1909.
 Docket No. 2010. Op. 1107. Clements, *Comr.*
 Carriers ordered to reduce that portion of a combination through rate which applied to the haul from Pueblo, Colo., to Leadville, Colo., on beer moving from St. Louis, Mo., on the ground that such factor of the through rate was unreasonable. Reparation to be awarded.

Denver & Rio Grande R. R. Co. v. Interstate Commerce Commission.
 Not reported. January 25, 1910.
 C. C. D. Colo.
 Injunction to restrain enforcement of Commission's order denied. Case transferred to Commerce Court.

Denver & Rio Grande R. R. Co. v. Interstate Commerce Commission.
 195 Fed. 968. April 9, 1912.
 Commerce Court No. 35. Knapp, J.
 Commission's order held to be valid.

NEW ORLEANS BOARD OF TRADE CASE.

New Orleans Board of Trade v. Louisville & Nashville R. R. Co.
 17 I. C. C. 231. November 26, 1909.
 Docket Nos. 1310, 1313, 1328. Op. 1108. Clements, *Comr.*
 Carriers ordered to reduce to a specified amount their class rates from New Orleans, La., to Mobile, Ala., and Pensacola, Fla., on the ground that the present rates are unreasonable.

Louisville & Nashville R. R. Co. v. Interstate Commerce Commission.
 184 Fed. 118.
 C. C. W. D. Ky.
 Preliminary injunction against enforcement of Commission's order denied. Bill to annul Commission's order transferred to Commerce Court.

Louisville & Nashville R. R. Co. v. Interstate Commerce Commission.
 195 Fed. 541. February 28, 1912.
 Commerce Court No. 4. Archbald, J.
 Commission's order held invalid on the ground that there was no basis for the Commission to hold that the existing rates are unreasonable.

Interstate Commerce Commission v. Louisville & Nashville R. R. Co.
 227 U. S. 88. January 20, 1913. Lamar, J.
 Commission's order held to be valid in all respects.

STREET RAILWAY CASE.

West End Improvement Club *v.* Omaha & Council Bluffs Ry. & Bridge Co.

17 I. C. C. 239. November 27, 1909.

Docket No. 1004. Op. 1109. Clark, *Comr.*

Street railway company ordered to reduce to a specified amount passenger rates between Omaha, Nebr., and Council Bluffs, Iowa, on the ground that such rates were unreasonable.

Omaha & Council Bluffs Street Ry. Co. *v.* Interstate Commerce Commission.

179 Fed. 243. April 25, 1910. (See 24th Ann. Rep., 21.)

C. C. D. Nebr. *Per curiam.*

Enforcement of Commission's order temporarily enjoined pending determination of case by Commerce Court. Case transferred to Commerce Court.

Omaha & Council Bluffs Street Ry. Co. *v.* Interstate Commerce Commission.

191 Fed. 40. October 5, 1911.

Commerce Court No. 25. Mack, *J.*

Commission's order held to be valid on the ground that interstate street railway companies are subject to the act.

Omaha & Council Bluffs Street Ry. Co. *v.* Interstate Commerce Commission.

222 U. S. 582. November 6, 1911. *Per curiam.*

Enforcement of Commission's order enjoined pending final determination of the case.

Omaha & Council Bluffs Street Ry. Co. *v.* Interstate Commerce Commission.

230 U. S. 324. June 9, 1913. Lamar, *J.*

Commission's order held to be invalid on the ground that the Commission has no jurisdiction over interstate street railways.

 BOSTON SHOE CASE.

Kiser Co. *v.* Central of Georgia Ry. Co.

17 I. C. C. 430. November 27, 1909.

Docket No. 1733. Op. 1127. Clements, *Comr.*

Carriers ordered to reduce to a specified amount the rate on shoes and boots from Boston, Mass., and New York City to Atlanta, Ga., on the ground that the existing rates are unreasonable.

Atlantic Coast Line R. R. Co. *v.* Interstate Commerce Commission.

C. C. E. D. Va.

Bill to annul Commission's order transferred to Commerce Court.

Atlantic Coast Line R. R. Co. *v.* Interstate Commerce Commission.

194 Fed. 449; 1 Com. Ct. 255. December 5, 1911.

Commerce Court No. 3. Carland, *J.*

Commission's motion to dismiss bill attacking Commission's order denied.

Atlantic Coast Line R. R. Co. *v.* Interstate Commerce Commission.

Not reported. June 4, 1912.

Commerce Court No. 3.

Case dismissed without prejudice upon motion of petitioning carrier.

SLEEPING CAR CASE.

Loftus v. Pullman Co.

18 I. C. C. 135. March 15, 1910.

Docket Nos. 1084, 1085, and 1086. Op. 1199. Lane, *Comr.*

Carriers ordered to reduce their charges for the use of berths in sleeping cars between St. Paul, Minn., and other points on the ground that the existing charges are unreasonable.

Loftus v. Pullman Co.

19 I. C. C. 102. June 20, 1910.

Docket Nos. 1084, 1085, and 1086. Op. 1346. *By the Commission.*

Rehearing granted.

Pullman Co. v. Interstate Commerce Commission.

Not reported. July 8, 1910.

C. C. N. D. Ill.

Temporary injunction granted.

Loftus v. Pullman Co.

20 I. C. C. 21. December 12, 1910.

Docket Nos. 1084, 1085, and 1086. Op. 1450.

Upon rehearing, former order modified.

Pullman Co. v. Interstate Commerce Commission.

Great Northern Ry. Co. v. Interstate Commerce Commission.

Not reported. May 23, 1911.

C. C. N. D. Ill., E. D.

Dismissed on motion of plaintiffs.

 LOS ANGELES SWITCHING CASE.

Associated Jobbers of Los Angeles v. Atchison, Topeka & Santa Fe Ry. Co.

18 I. C. C. 310. April 5, 1910. (See 25th Ann. Rep., 56.)

Docket No. 1704. Op. 1251. Lane, *Comr.*

Carriers ordered to discontinue their present charge of \$2.50 per car and in the future refrain from imposing any charge for delivering and receiving carload freight to and from industries located upon spurs and sidetracks within their respective switching limits at Los Angeles, Cal., when such carload freight is moving in interstate commerce incidentally to a system-line haul.

Atchison, Topeka & Santa Fe Ry. Co. v. Interstate Commerce Commission.

C. C. D. Kans., 1st D.

Bill by carriers to annul Commission's order transferred to Commerce Court.

Atchison, Topeka & Santa Fe Ry. Co. v. Interstate Commerce Commission.

188 Fed. 229. July 20, 1911.

Commerce Court No. 2.¹ Carland, *J.*

Enforcement of Commission's order temporarily enjoined on the ground that the carriers have a right to impose a charge for this special service.

Interstate Commerce Commission v. Atchison, Topeka & Santa Fe Ry. Co.

234 U. S. 294. June 8, 1914. Hughes, *J.*

Decree of Commerce Court reversed and cause remanded to district court with instructions to dismiss the bill.

¹ Record transferred to District Court for the Northern District of California upon dissolution of Commerce Court.

SAN FRANCISCO SWITCHING CASE.

Pacific Coast Jobbers & Mfrs. Asso. v. Southern Pacific Co.

18 I. C. C. 333. April 11, 1910. (See 25th Ann. Rep., 56.)

Docket No. 1649. Op. 1252. Lane, *Comr.*

Carriers ordered to discontinue their present charge of \$2.50 per car, and in the future refrain from imposing any charge for delivering and receiving carload freight to and from industries located upon spurs and sidetracks within their respective switching limits at San Francisco, Cal., when such carload freight is moving in interstate commerce incidentally to a system-line haul.

Southern Pacific Co. v. Interstate Commerce Commission.

C. C. D. Kana, 1st D.

Bill by carriers to annul Commission's order transferred to Commerce Court.

Southern Pacific Co. v. Interstate Commerce Commission.

188 Fed. 241. July 20, 1911.

Commerce Court No. 1.¹ Carland, *J.*

Enforcement of Commission's order temporarily enjoined on the ground that the carriers have a right to impose a charge for this special switching service.

Interstate Commerce Commission v. Southern Pacific Co.

234 U. S. 315. June 8, 1914. Hughes, *J.*

Decree of Commerce Court reversed and cause remanded to district court with instructions to dismiss the bill.

 HOOKER & WILLIAMSON CASE.

Receivers & Shippers Asso. of Cincinnati v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

18 I. C. C. 440. February 17, 1910.

Docket No. 1542. Op. 1283. Prouty, *Comr.*

Carriers ordered to reduce to a specified amount their class rates from Cincinnati, Ohio, to Chattanooga, Tenn., on the ground that existing rates are unreasonable. The reduced rates prescribed by the Commission were not as low as those contended for by the shippers.

Hooker & Williamson v. Knapp.

C. C. S. D. Ohio.

Bill of shippers to annul Commission's order on the ground that the maximum rates fixed by said order are so much too high and extortionate as to violate the fifth amendment to the Federal Constitution, transferred to Commerce Court.

Hooker & Williamson v. Knapp.

188 Fed. 242; 1 Com. Ct. 33. July 20, 1911.

Commerce Court No. 5. Carland, *J.*

Commission's order held to be valid and case dismissed on merits.

¹ Record transferred to District Court for the Northern District of California upon dissolution of Commerce Court.

Hooker v. Knapp.

225 U. S. 302. June 7, 1912. White, *C. J.*

Held that Commerce Court has no jurisdiction of such a case as this, where the petitioner complains of a denial of relief at the hands of the Commission; but that such court has jurisdiction only of affirmative orders of the Commission.

EAGLE WHITE LEAD CASE.

Receivers & Shippers Asso. of Cincinnati v. Cincinnati, New Orleans & Texas Pacific Ry. Co.

18 I. C. C. 440. February 17, 1910.

Docket No. 1542. Op. 1288. Prouty, *Commr.*

Carriers ordered to reduce their class rates from Cincinnati, Ohio, to Chattanooga, Tenn., on the ground that existing rates are unreasonable. The reduced rates prescribed by the Commission were not as low as those contended for by the shippers.

Eagle White Lead Co. v. Interstate Commerce Commission.

C. C. S. D. Ohio.

Bill of shippers to annul Commission's order on the ground that the maximum rates fixed by said order are so much too high and extortionate as to violate the fifth amendment to the Federal Constitution, transferred to Commerce Court.

Eagle White Lead Co. v. Interstate Commerce Commission.

188 Fed. 256; 1 Com. Ct. 65. July 20, 1911.

Commerce Court No. 6. Carland, *J.*

Commission's order held to be valid and case dismissed on merits.

Eagle White Lead Co. v. Interstate Commerce Commission.

225 U. S. 302. June 7, 1912. White, *C. J.*

Held that Commerce Court has no jurisdiction of such a case as this, where the petitioner complains of a denial of relief at the hands of the Commission; but that such court has jurisdiction only of affirmative orders of the Commission.

ALASKA CASE.

Humboldt Steamship Co. v. White Pass & Yukon Route.

19 I. C. C. 105. June 6, 1910.

Docket No. 2518. Op. 1347. Knapp, *Commr.*

Complaint seeking establishment of through routes and joint rates in connection with complainant steamship line, from Seattle, Wash., to points in Alaska, dismissed on the ground that the Commission has no jurisdiction over carriers operating in Alaska.

United States ex rel. Humboldt Steamship Co. v. Interstate Commerce Commission.

Not reported. January 6, 1911.

Sup. Ct. D. C. Barnard, *J.*

Petition for writ of mandamus to compel Commission to take jurisdiction of carriers in Alaska, denied.

Southern Pacific Co. v. Interstate Commerce Commission.

C. C. N. D. Cal.

Bill to annul Commission's order transferred to Commerce Court.

Southern Pacific Co. v. Interstate Commerce Commission.

Not reported. April 18, 1912.

Commerce Court No. 33.

Case dismissed without opinion.

In re Applications for Relief under the Fourth Section. Nos. 205, 342, 343, 344, 349, 350, and 352.

Railroad Commission of Nevada v. Southern Pacific Co.

Maricopa County Commercial Club v. Santa Fe, Prescott & Phoenix Ry. Co.

21 I. C. C. 329. June 22, 1911.

Docket Nos. 1665 and 1796. Op. 1623. Lane, *Comr.*

For the purpose of this case the Commission established certain rate zones and ordered the carriers to desist from charging, for the haul to Reno and other Nevada points, any commodity rates which are higher, by a specified per cent, than the rates to Pacific coast points, on the ground that the existing rates are in violation of section 4 of the act as amended June 18, 1910.

Atchison, Topeka & Santa Fe Ry. Co. v. United States.

191 Fed. 856. November 14, 1911.

Commerce Court No. 50. Mack, *J.*

Section 4 of the act as amended June 18, 1910, held to be constitutional, but enforcement of Commission's order temporarily enjoined on the ground that the Commission is without authority to determine the relation of long and short haul rates, irrespective of absolute rates.

Atchison, Topeka & Santa Fe Ry. Co. v. United States.

Not reported. December 9, 1911.

Commerce Court No. 50.

Enforcement of Commission's order permanently enjoined for the reasons stated upon the issuance of the temporary injunction. No written opinion.

In re Applications for Relief under the Fourth Section. Nos. 205, 342, 343, 344, 349, 350, and 352.

Railroad Commission of Nevada v. Southern Pacific Co.

Maricopa County Commercial Club v. Santa Fe, Prescott & Phoenix Ry. Co.

23 I. C. C. 456. May 15, 1912.

Docket Nos. 1665 and 1796. Op. 1875. Lane, *Comr.*

Carriers permitted to put into effect a proposed schedule of reduced commodity rates pending final determination of the case by the Supreme Court.

United States v. Atchison, Topeka & Santa Fe Ry. Co.

234 U. S. 476. June 22, 1914. White, *C. J.*

Decree of Commerce Court reversed. Case remanded to district court with directions to dismiss bill for want of equity.

INTERMOUNTAIN CASE—PHOENIX.

Maricopa County Commercial Club *v.* Santa Fe, Prescott & Phoenix Ry. Co.

19 I. C. C. 257. June 6, 1910. (See 25th Ann. Rep., 27.)

Docket No. 1796. Op. 1366. Lane, *Comr.*

Carriers ordered to reduce to a specified amount their class rates from eastern defined territory to Phoenix, Ariz., on the ground that the existing rates are unreasonable as compared with lower rates for the longer haul to Pacific coast points.

Atchison, Topeka & Santa Fe Ry. Co. *v.* Interstate Commerce Commission.

C. C. N. D. Cal.

Bill to annul Commission's order transferred to Commerce Court.

Atchison, Topeka & Santa Fe Ry. Co. *v.* Interstate Commerce Commission.

Not reported. April 18, 1912.

Commerce Court No. 34.

Case dismissed without opinion.

In re Applications for Relief under the Fourth Section. Nos. 205, 342, 343, 344, 349, 350, and 352.

Railroad Commission of Nevada *v.* Southern Pacific Co.

Maricopa County Commercial Club *v.* Santa Fe, Prescott & Phoenix Ry. Co.

21 I. C. C. 329. June 22, 1911.

Docket Nos. 1665 and 1796. Op. 1623. Lane, *Comr.*

For the purpose of this case the Commission established certain rate zones and ordered the carriers to desist from charging, for the short haul to Phoenix, any commodity rates which are higher by a specified per cent than the rates to Pacific coast points, on the ground that the existing rates are in violation of section 4 of the act as amended June 18, 1910.

Atchison, Topeka & Santa Fe Ry. Co. *v.* United States.

191 Fed. 856. November 14, 1911.

Commerce Court No. 50. Mack, *J.*

Section 4 of the act as amended June 18, 1910, held to be constitutional; but enforcement of Commission's order temporarily enjoined on the ground that the Commission is without authority to determine the relation of long and short haul rates, irrespective of absolute rates.

Atchison, Topeka & Santa Fe Ry. Co. *v.* United States.

Not reported. December 9, 1911.

Commerce Court No. 50.

Enforcement of Commission's order permanently enjoined for the reasons stated upon the issuance of the temporary injunction. No written opinion.

In re Applications for Relief under the Fourth Section. Nos. 205, 342, 343, 344, 349, 350, and 352.

Railroad Commission of Nevada *v.* Southern Pacific Co.

Maricopa County Commercial Club *v.* Santa Fe, Prescott & Phoenix Ry. Co.

23 I. C. C. 456. May 15, 1912.

Docket Nos. 1665 and 1796. Op. 1875. Lane, *Comr.*

Carriers permitted to put into effect a proposed schedule of reduced commodity rates, pending final determination of the case by the Supreme Court.

United States *v.* Atchison, Topeka & Santa Fe Ry. Co.

234 U. S. 476. June 22, 1914. White, *C. J.*

Decree of Commerce Court reversed. Case remanded to district court with directions to dismiss bill for want of equity.

INTERMOUNTAIN CASE—SALT LAKE.

Commercial Club, Traffic Bureau of Salt Lake City *v.* Atchison, Topeka & Santa Fe Ry. Co.

19 I. C. C. 218. June 7, 1910. (See 25th Ann. Rep., 27.)

Docket No. 2662. Op. 1364. Prouty, *Comr.*

Carriers ordered to reduce to a specified amount certain rates to and from Salt Lake City and other Utah points on the ground that the existing rates were unreasonable. Rates from the East to Utah points held to be unreasonable as compared with rates to the Pacific coast. Reduction recommended, but no order entered.

In re Applications for Relief under the Fourth Section. Nos. 205, 342, 343, 344, 349, 350, and 352.

City of Spokane *v.* Northern Pacific Ry. Co.

Commercial Club, Traffic Bureau of Salt Lake City *v.* Atchison, Topeka & Santa Fe Ry. Co.

21 I. C. C. 400. June 22, 1911.

Docket No. 879 and 2662. Op. 1627. Prouty, *Comr.*

For the purposes of this case the Commission divided the country into five rate zones and ordered the carriers to desist from charging for the short haul to Utah points any rates which are higher, by a specified per cent, than the rates to Pacific coast points, on the ground that the existing rates are in violation of section 4 of the act as amended June 18, 1910.

Denver & Rio Grande R. R. Co. *v.* United States.

Not reported. October 27, 1911.

Commerce Court No. 52.

Carriers' application for a temporary injunction against enforcement of Commission's order denied. Record transferred to District Court, District of Colorado.

INTERMOUNTAIN CASE—SPOKANE.

City of Spokane *v.* Northern Pacific Ry. Co.

19 I. C. C. 162. June 7, 1910. (See 25th Ann. Rep., 27.)

Docket No. 879. Op. 1363. Prouty, *Comr.*

Rates from the east to Spokane, Wash., and other points held to be unreasonable as compared with lower rates to Pacific coast points. Certain reduced rates recommended, but no order entered.

In re Applications for Relief under the Fourth Section. Nos. 205, 342, 343, 344, 349, 350, and 352.

City of Spokane *v.* Northern Pacific Ry. Co.

Commercial Club, Traffic Bureau, of Salt Lake City *v.* Atchison, Topeka, & Santa Fe Ry. Co.

21 I. C. C. 400. June 22, 1911.

Docket Nos. 879 and 2662. Op. 1627. Prouty, *Comr.*

For the purposes of this case, the Commission divided the country into five rate zones, and ordered the carriers to desist from charging, for the short haul to Spokane, Wash., and other points, any rates which are higher, by a specified per cent, than the rates to Pacific coast points, on the ground that the existing rates are in violation of section 4 of the act as amended June 18, 1910.

Union Pacific R. R. Co. v. United States.

191 Fed. 856. November 14, 1911.

Commerce Court No. 51. Mack, J.

Section 4 of the act as amended June 18, 1910, held to be constitutional; but the enforcement of the Commission's order was temporarily enjoined on the ground that the Commission is without authority to determine the relation of long and short haul rates, irrespective of absolute rates.

Union Pacific R. R. Co. v. United States.

Not reported. December 9, 1911.

Commerce Court No. 51.¹

Commission's order held to be invalid for the reasons stated upon the issuance of the temporary injunction. No written opinion.

City of Spokane v. Northern Pacific Ry. Co.

23 I. C. C. 454. May 14, 1912.

Docket No. 879. Op. 1874. Prouty, *Comr.*

Commission declined to accept changes proposed in rates involved herein and will take no further action until final determination of case by Supreme Court.

United States v. Union Pacific R. R. Co.

234 U. S. 495. June 22, 1914. White, *C. J.*

Decree of Commerce Court reversed. Case remanded to district court with directions to dismiss bill for want of equity.

SACRAMENTO RATE CASE.

Traffic Bureau of Merchants' Exchange of San Francisco v. Southern Pacific Co.

19 I. C. C. 259. June 6, 1910.

Docket No. 2839. Op. 1367. Lane, *Comr.*

Carriers ordered to reduce to a specified amount their class rates from Sacramento, Cal., to points upon the main line of the Southern Pacific road between Reno, Nev., and Cecil Junction, Utah, on the ground that existing rates are unreasonable.

Southern Pacific Co. v. Interstate Commerce Commission.

C. C. N. D. Cal.

Bill to annul Commission's order transferred to Commerce Court.

Southern Pacific Co. v. Interstate Commerce Commission.

Not reported. April 18, 1912.

Commerce Court No. 32.

Case dismissed without opinion.

CAR DISTRIBUTION CASE.

Hillsdale Coal & Coke Co. v. Pennsylvania R. R. Co.

19 I. C. C. 356. March 7, 1910.

Docket No. 1063. Op. 1383. Harlan, *Comr.*

Carriers ordered to discontinue their existing practice of distributing coal cars in times of car shortage on the ground that it is unjustly discriminatory to fail to count company fuel cars, foreign railway cars, and private cars against the quota of the mine receiving such cars. Question of reparation reserved for further consideration.

¹ Record forwarded to District Court for the District of Kansas upon dissolution of Commerce Court.

Pennsylvania R. R. Co. v. Interstate Commerce Commission.

C. C. E. D. Pa.

Bill to annul Commission's order transferred to Commerce Court.

Pennsylvania R. R. Co. v. Interstate Commerce Commission.

193 Fed. 81. December 5, 1911.

Commerce Court No. 31.¹ Knapp, *J.*

Commission's order held to be valid.

Pennsylvania R. R. Co. v. Interstate Commerce Commission.

Not yet reported. Oct. 13, 1914. Dismissed by Supreme Court United States upon motion of petitioner.

Hillsdale Coal & Coke Co. v. Pennsylvania R. R. Co.

Jacoby & Co. v. Same.

Clark Bros. Coal Mining Co. v. Same.

Bulah Coal Co. v. Same.

23 I. C. C. 186. March 11, 1912.

Docket Nos. 1063, 1139, 1111, 1136, and 1137. Op. 1833. Harlan, *Comr.*

Carriers ordered to pay to complainants general damages (as distinguished from rate damages) on account of the discrimination in car distribution.

Jacoby v. Pennsylvania Co.

200 Fed. 989. November 12, 1912.

D. C. E. D. Pa. Thompson, *J.*

Commission's order awarding general damages held to be valid.

WINSTON-SALEM CASE.

Corporation Commission of North Carolina v. Norfolk & Western Ry. Co.

19 I. C. C. 303. June 7, 1910.

Docket No. 1389. Op. 1375. Clements, *Comr.*

Carriers ordered to reduce to a specified amount their class rates from various points of origin to Winston-Salem and Durham, N. C., on the ground that the existing rates are unreasonable.

Norfolk & Western Ry. Co. v. United States.

195 Fed. 953; 1 Com. Ct. 413. April 9, 1912.

Commerce Court No. 40. Hunt, *J.*

Commission's order held to be valid in all respects.

REPORTS OF WATER CARRIERS.

In re Reports of Water Carriers.

Commission Special Report Series, Circular No. 10. June 11, 1910.

Water carriers ordered to file reports. (See 25th Ann. Rep., 74.)

Goodrich Transit Co. v. Interstate Commerce Commission.

C. C. N. D. Ill., E. D.

Bill to annul Commission's order transferred to Commerce Court.

¹ Record transferred to District Court for the Eastern District of Pennsylvania upon dissolution of Commerce Court.

Goodrich Transit Co. v. Interstate Commerce Commission.

190 Fed. 943; 1 Com. Ct. 95. October 5, 1911.

Commerce Court No. 21. Hunt, J.

Commission's order annulled in so far as the reports called for and the accounting rules prescribed extend beyond the interstate business of the carriers or include matters of intrastate traffic accounts and affairs and concerns exclusively.

Interstate Commerce Commission v. Goodrich Transit Co.

224 U. S. 194. April 1, 1912. Day, J.

Commission's order held to be valid in all respects.

REPORTS OF WATER CARRIERS.

In re Reports of Water Carriers.

Orders entered relative to "Classification of Operating Revenues of Carriers by Water" and "Classification of Operating Expenses of Carriers by Water." May 31, 1910.

Goodrich Transit Co. v. Interstate Commerce Commission.

C. C. N. D. Ill., E. D.

Bill to annul Commission's order transferred to Commerce Court.

Goodrich Transit Co. v. Interstate Commerce Commission.

190 Fed. 943; 1 Com. Ct. 95. October 5, 1911.

Commerce Court No. 22. Hunt, J.

Commission's order annulled in so far as the reports called for and the accounting rules prescribed extend beyond the interstate business of the carriers or include matters of intrastate traffic accounts and affairs and concerns exclusively.

Interstate Commerce Commission v. Goodrich Transit Co.

224 U. S. 194. April 1, 1912. Day, J.

Commission's order held to be valid in all respects.

REPORTS OF WATER CARRIERS.

In re Reports of Water Carriers.

Special Report Series, Circular No. 10. June 11, 1910.

Water carriers ordered to file reports. (25th Ann. Rep., 74.)

White Star Line v. United States.

C. C. N. D. Ill., E. D.

Bill to annul Commission's order transferred to Commerce Court.

White Star Line v. United States.

190 Fed. 943; 1 Com. Ct. 95. October 5, 1911.

Commerce Court No. 23. Hunt, J.

Commission's order annulled in so far as the reports called for and the accounting rules prescribed extend beyond the interstate business of the carriers or include matters of intrastate traffic accounts and affairs and concerns.

United States v. White Star Line.**224 U. S. 194. April 1, 1912. Day, J.**

Commission's order held to be valid in all respects.

REPORTS OF WATER CARRIERS.**In re Reports of Water Carriers.**

Orders entered relative to "Classification of Operating Revenues of Carriers by Water" and "Classification of Operating Expenses of Carriers by Water."

May 31, 1910.

White Star Line v. United States.**190 Fed. 943; 1 Com. Ct. 95. October 5, 1911.**

Commerce Court No. 24. Hunt, J.

Commission's order annuled in so far as the reports called for and the accounting rules prescribed extend beyond the interstate business of the carriers or include matters of intrastate traffic accounts and affairs and concerns exclusively.

United States v. White Star Line.**224 U. S. 194. April 1, 1912. Day, J.**

Commission's order held to be valid in all respects.

PRIVATE CAR DEMURRAGE CASE.**Procter & Gamble Co. v. Cincinnati, Hamilton & Dayton Ry. Co.****19 I. C. C. 556. November 14, 1910. (26th Ann. Rep., 23.)**Docket No. 3208. Op. 1427. Clark, *Comr.*

Imposition of demurrage on private cars standing on private tracks held to be proper. Complaint, attacking this practice as unreasonable, dismissed.

Procter & Gamble v. United States.**188 Fed. 221. July 20, 1911.**

Commerce Court No. 9. Archbald, J.

Commission's action in denying relief affirmed on the merits.

Procter & Gamble Co. v. United States.**225 U. S. 282. June 7, 1912. White, J.***Held* that Commerce Court has no jurisdiction of such a case as this, where the petitioner complains of a denial of relief at the hands of the Commission; but that such court has jurisdiction only of affirmative orders of the Commission.

COKE DUAL RATE CASE.**Anaconda Copper Mining Co. v. Chicago & Erie R. R. Co.****19 I. C. C. 592. December 12, 1910.**Docket No. 2386. Op. 1440. Cockrell, *Comr.*From West Virginia ovens to Chicago, Ill., defendants charged complainant a higher rate on its coke for use in smelting copper than was charged on other coke for blast-furnace use. *Held* that the rate charged complainant was not unreasonable or otherwise in violation of the act. Complaint dismissed.

Anaconda Copper Mining Co. v. United States.

1 Com. Ct. 445. June 7, 1912.

Commerce Court No. 54. Carland, J.

Commission's order of dismissal held to be valid.

Anaconda Copper Mining Co. v. United States.

Not reported. June 29, 1912.

Commerce Court No. 54.

No order having been entered in accordance with decision of June 7, 1912, order entered following *Procter & Gamble v. U. S.* (225 U. S., 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction, case dismissed for want of jurisdiction.

PRECOOLING CASE.

Arlington Heights Fruit Exchange v. Southern Pacific Co.

20 I. C. C. 106. January 14, 1911.

Docket No. 3000. Op. 1477. Prouty, *Comr.*

Carriers ordered to reduce from \$30 to \$7.50 per car the charge for precooling and preicing fruit transported from southern California to the east, on the ground that the existing charge is unreasonable.

In re Precooling and Preicing.

23 I. C. C. 267. April 8, 1912.

I. & S. Docket No. 50, 50-C, and 50-F. Op. No. 1851. Prouty, *Comr.*

After reducing the charge in accordance with the Commission's order, the carriers filed tariffs by which the privilege of precooling and preicing was abolished altogether. The Commission thereupon ordered the carriers to restore the precooling and preicing privilege at the charge of \$7.50 per car.

Atchison, Topeka & Santa Fe Ry. Co. v. United States.

204 Fed. 647. March 31, 1913.

Commerce Court No. 41. Carland, J.

Commission's order held to be valid in all respects.

Atchison, Topeka & Santa Fe Ry. Co. v. United States.

232 U. S. 199. January 26, 1914. Lamar, J.

Commission's order held to be valid in all respects.

RESTRICTED RATE CASE.

In re Restricted Rates.

20 I. C. C. 426. February 24, 1911. (See 26th Ann. Rep., 29.)

Docket No. 3053. Op. 1519. Clark, *Comr.*

By their tariffs certain railroads provided a certain rate on coal when for railroad use, which rate was considerably lower than the rate on commercial coal. Carriers ordered to cease and desist from maintaining such tariffs or any tariffs which contain rates applicable only upon shipments for particular consignees or when the commodity is for a particular use, or any tariffs which contain rates which are restricted to the use of certain shippers and which are not open to all shippers alike.

Baltimore & Ohio R. R. Co. v. United States.

Not reported. May 29, 1911.

Commerce Court No. 39.

Enforcement of Commission's order temporarily enjoined.

Interstate Commerce Commission v. Baltimore & Ohio R. R. Co.

225 U. S. 326. June 7, 1912. McKenna, J.

Commission's order held to be valid in all respects. The court, however, recognized the right of the Commerce Court to grant a temporary injunction in a proper case.

CINCINNATI & COLUMBUS TRACTION CASE.

Cincinnati & Columbus Traction Co. v. Baltimore & Ohio Southwestern R. R. Co.

20 I. C. C. 486. March 14, 1911. (26th Ann. Rep., 32.)

Docket No. 2062. Op. 1524. Harlan, Comr.

Steam railroad companies directed to establish certain switch connections with electrically operated interurban line.

Baltimore & Ohio Southwestern R. R. Co. v. United States.

195 Fed. 962. April 9, 1912.

Commerce Court No. 60. Archbald, J.

Enforcement of Commission's order temporarily enjoined on the ground that the Cincinnati & Columbus Traction Co. is not a lateral branch line of railroad.

Baltimore & Ohio Southwestern R. R. Co. v. United States.

Not reported. April 19, 1912.

Commerce Court No. 60.

Commission's order held to be invalid on the ground stated upon the issuance of the temporary injunction.

United States v. Baltimore & Ohio Southwestern R. R. Co.

226 U. S. 14. November 11, 1912. Holmes, J.

Commission's order held to be invalid on the ground that the Cincinnati & Columbus Traction Co. is not a lateral branch line of railroad within the meaning of section 15.

INTERNATIONAL SALT CASE.

International Salt Co. of Illinois v. Pennsylvania R. R. Co.

20 I. C. C. 539. March 14, 1911.

Docket No. 3406. Op. 1532. Harlan, Comr.

Commission denied reparation to complainant on the ground that complainant had not shown itself to have been damaged.

International Salt Co. of Illinois v. United States.

Not reported. June 29, 1912.

Commerce Court No. 66.

Following Procter & Gamble v. U. S. (225 U. S., 282) to the effect that a denial of relief by the Commission is not an order of which the Commission has jurisdiction, case dismissed for want of jurisdiction.

ANTHRACITE COAL CASE.

Meeker & Co. v. Lehigh Valley R. R. Co.

21 I. C. C. 129. June 8, 1911.

Docket No. 1180. Op. 1585. McChord, *Comr.*

Carriers ordered to reduce to a specified amount their rates on various sizes of anthracite coal from Wyoming region, Pennsylvania, to Perth Amboy, N. J., on the ground that the existing rates are unreasonable and unjustly discriminatory. Reparation to be awarded.

Lehigh Valley R. R. Co. v. United States.

190 Fed. 1023; 1 Com. Ct. 163. October 12, 1911.

Commerce Court No. 49.¹ Per curiam.

Carriers' application for a temporary injunction against enforcement of Commission's order denied.

Lehigh Valley R. R. Co. v. United States.

204 Fed. 986. April 25, 1913.

Commerce Court No. 70.¹ Hunt, *J.*

Commission's order held to be valid in all respects.

Meeker & Co. v. Lehigh Valley R. R. Co.

23 I. C. C. 490. May 7, 1912.

Docket Nos. 1180 and 3235. Op. 1890. McChord, *Comr.*

Reparation awarded.

Meeker & Co. v. Lehigh Valley R. R. Co.

Not reported. Holland, *J.*

D. C. E. D. Pa.

Damages in the sum of \$109,280.17 awarded based on Commission's award of reparation.

Lehigh Valley R. R. Co. v. Meeker.

211 Fed. 785. August 27, 1913.

C. C. Apps. 3d Cir. Gray, *J.*

Lower court reversed on the ground that there was no proof of damage. It was held that the report of the Commission did contain a set of findings of facts within the meaning of section 16 and that it was error for the trial court to submit to the jury the entire report of the Commission containing statements, arguments, and opinion. It was further held that section 16 barred all claims accruing to the shipper prior to July 17, 1905.

Lehigh Valley R. R. Co. v. Meeker.

211 Fed. 785, 802. February 19, 1914.

C. C. Apps. 3d Cir. Gray, *J.*

On rehearing former decision adhered to.

Meeker v. Lehigh Valley R. R. Co. (Two cases.)

Pending, Supreme Court, United States.

¹ No. 49 was reinstated as No. 70.

COKE CASE.

St. Louis Blast Furnace Co. v. Virginian Ry. Co.

21 I. C. C. 215. June 19, 1911.

Docket Nos. 2804 and 2838. Op. 1600. Meyer, *Comr.*

Carriers ordered to pay to complainant a certain sum of money as reparation for charging an unreasonable rate on coke from Deepwater, W. Va., to Carondelet, Mo.

Southern Ry. Co. v. United States.

193 Fed. 664; 1 Com. Ct. 305. December 5, 1911.

Commerce Court No. 44. Hunt, *J.*

Authority conferred by Congress upon the Commerce Court to suspend or annul "any order."

Southern Ry. Co. v. United States.

Not reported. January 23, 1912.

Commerce Court No. 44.

Case dismissed on motion of petitioners.

CHICAGO PROPORTIONAL RATE CASE.

Rosenbaum Bros. v. Louisville & Nashville R. R. Co.

22 I. C. C. 62. November 13, 1911.

Docket No. 2953. Op. 1696. *By the Commission.*

Carriers ordered to cease discriminating against Chicago and Cook County, Ill., junctions by charging higher proportional rates on coarse grain in carloads when coming via Chicago than via other routes. Reparation awarded.

Louisville & Nashville R. R. Co. v. United States.

Commerce Court No. 74.

Record transferred to District Court for the Western District of Kentucky upon dissolution of Commerce Court.

Louisville & Nashville R. R. Co. v. United States.

D. C. W. D. Ky. Pending.

COAL CREEK CASE.

Chamber of Commerce of Augusta v. Southern Ry. Co.

22 I. C. C. 233. January 8, 1912.

Docket No. 3328. Op. 1728. *By the Commission.*

Commission dismissed complaint attacking as unreasonable and unduly prejudicial a rate of \$2.10 per ton on coal from the Coal Creek mines in Tennessee to Augusta, Ga.

Chamber of Commerce of Augusta v. United States.

197 Fed. 66; 1 Com. Ct. 477. June 7, 1912.

Commerce Court No. 65. Mack, *J.*

Motion of respondents to dismiss petition sustained. Commission's order held to be valid.

Chamber of Commerce of Augusta *v.* United States.

Not reported. June 29, 1912.

Commerce Court No. 65.

No order having been entered in pursuance of opinion of June 7, 1912, an order was entered following *Procter & Gamble v. U. S.* (225 U. S. 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction; case dismissed for want of jurisdiction.

O'GARA COAL CASE.

In re Advances on Bituminous Coal.

I. & S. No. 52 and 52-A.

Elmore-Benjamin Coal Co. *v.* Cleveland, Cincinnati, Chicago & St. Louis Ry. Co.

22 I. C. C. 341. February 5, 1912.

Docket No. 4415. Op. 1751. Meyer, *Comr.*

Commission dismissed complaint attacking as unreasonable an advanced rate on coal from Illinois fields via interstate movement to Chicago, Ill.

O'Gara Coal Co. *v.* United States.

Not reported. June 24, 1912.

Commerce Court No. 62.

Following *Procter & Gamble v. U. S.* (225 U. S. 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction; case dismissed for want of jurisdiction.

PORTLAND FOURTH SECTION CASE.

In re Fourth Section Application of Southern Pacific Co.

22 I. C. C. 366. February 5, 1912.

24 I. C. C. 34. June 6, 1912.

Fourth section application No. 1243. Fourth section order No. 135. Op. Nos. 1758 and 1911. Lane, *Comr.*

Application of carriers seeking authority to continue class rates between Portland, Oreg., and San Francisco, Cal., that are lower than the rates concurrently in effect from, to, and between certain intermediate points, denied as to some points and granted as to certain other points.

Southern Pacific Co. *v.* United States.

Commerce Court No. 88.

Record transferred to District Court for the Northern District of California upon dissolution of Commerce Court.

Southern Pacific Co. *v.* United States.

D. C. N. D. Cal.

Pending.

ELEVATION ALLOWANCE CASE—MISSOURI RIVER.

Traffic Bureau, Merchants' Exchange of St. Louis *v.* Chicago, Burlington & Quincy R. R. Co.

22 I. C. C. 496. February 5, 1912.

Docket Nos. 1239, 1240, 1241, and 1267. Op. 1786. Prouty, *Comr.*

Carriers ordered not to exceed three-fourths of one cent per 100 pounds in the payment of elevation or transfer allowance at the Missouri River, and to confine that payment to grain actually passing through the elevator in ten days.

Davis (Board of Trade of Kansas City) v. United States.

Not reported. February 10, 1913.

Commerce Court No. 64.

Case dismissed without prejudice in accordance with stipulation.

MACK MANUFACTURING CASE.

Mack Manufacturing Co. v. Pittsburgh, Cincinnati, Chicago & St. Louis Ry. Co.

22 I. C. C. 670. February 5, 1912.

Docket No. 670. U. R. No. 521. *By the Commission.*

Carriers ordered to reduce to a specified amount their rates on brick from Chicago, Ill., to New York City on the ground that such rates are unreasonable; but reparation was denied.

Mack Manufacturing Co. v. United States.

Not reported. June 8, 1912.

Commerce Court No. 69.

Case dismissed without prejudice when Commission set aside its own order for the purpose of holding a further hearing on the question of reparation.

Mack Manufacturing Co. v. Pittsburgh, Cincinnati, Chicago & St. Louis Ry. Co.

27 I. C. C. 727. May 12, 1913.

Docket No. 3814 and 3814-Sub. No. 1 and 2. U. R. No. A-242. *By the Commission.*

Former decision affirmed. Reparation again denied.

SHREVEPORT CASE.

Meredith (Railroad Commission of Louisiana) v. St. Louis Southwestern Ry. Co.

23 I. C. C. 31. March 11, 1912.

Docket No. 3918. Op. 1813. Lane, *Comr.*

Carriers ordered to reduce to a specified amount their class rates from Shreveport, La., to certain Texas points on the ground that such interstate rates are unreasonable and unjustly discriminatory as compared with lower state rates from Dallas, Houston, and other cities within Texas to such Texas points. Carriers further ordered to grant at Shreveport certain concentration privileges relating to interstate cotton so long as similar privileges relating to state cotton are granted at Texas points.

Houston, East & West Texas Ry. Co. v. United States.

205 Fed. 391; 1 Com. Ct. 653. April 25, 1913.

Commerce Court No. 67.¹ Knapp, *J.*

Commission's order held to be valid.

Houston, East & West Texas Ry. Co. v. United States.

234 U. S. 342. June 8, 1914. Hughes, *J.*

Decree of Commerce Court affirmed and Commission's order held to be valid.

¹ Record transferred to District Court for the Southern District of Texas upon dissolution of Commerce Court.

SHREVEPORT CASE.

Meredith (Railroad Commission of Louisiana) v. St. Louis Southwestern Ry. Co.

23 I. C. C. 31. March 11, 1912.

Docket No. 3918. Op. 1813. Lane, *Comr.*

Carriers ordered to reduce to a specified amount their class rates from Shreveport, La., to certain Texas points, on the ground that such interstate rates are unreasonable and unjustly discriminatory as compared with lower state rates from Dallas, Houston, and other cities within Texas to such Texas points. Carriers further ordered to grant at Shreveport certain concentration privileges relating to interstate cotton so long as similar privileges relating to state cotton are granted at Texas points.

Texas & Pacific Ry. Co. v. United States.

205 Fed. 380. April 25, 1913.

Commerce Court No. 68.¹ Knapp, *J.*

Commission's order held to be valid.

Texas & Pacific Ry. Co. v. United States.

234 U. S. 342. June 8, 1914. Hughes, *J.*

Decree of Commerce Court affirmed and order of Commission held to be valid.

TAP LINE CASE.

Tap Line Case.

23 I. C. C. 277. April 23, 1912. Harlan, *Comr.*

23 I. C. C. 549. May 14, 1912. *By the Commission.*

I. & S. Docket No. 11. Ops. 1853 and 1898.

Trunk lines held to be justified in canceling divisions and allowances which had been paid to certain tap lines, which tap lines, the Commission found, were performing a plant-facility service and not a common-carrier service.

Louisiana & Pacific Ry. Co. v. United States.

Not reported. June 29, 1912.

Commerce Court No. 71.²

Following *Procter & Gamble v. U. S.* (225 U. S., 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction, case dismissed for want of jurisdiction.

Tap Line Case.

Not reported. October 30, 1912.

I. & S. Docket No. 11.

Trunk lines ordered to desist from paying any such allowance or divisions to any such tap line.

¹ Record transferred to District Court for the Northern District of Texas upon dissolution of Commerce Court.

² No. 71 was reinstated as No. 90 after the issuance by the Commission of its order of Oct. 30, 1912. Record transferred to District Court for the Western District of Louisiana upon dissolution of Commerce Court.

Louisiana & Pacific Ry. Co. v. United States.

Not reported. February 24, 1913.

Commerce Court No. 90.¹

Motion to dismiss for want of jurisdiction, on the ground that the order, though affirmative in form, is negative in substance, denied.

Louisiana & Pacific Ry. Co. v. United States.

209 Fed. 244. November 26, 1913.

Commerce Court No. 90.¹ Mack, J.

Commission's order held to be invalid, as arbitrary and beyond the power of the Commission, in so far as it prohibited any allowance for switching less than 1,000 feet or more than 3 miles, and also in so far as it prohibited the making of joint rates with certain tap lines, and the payment of a division thereof to the tap lines. In so far as the order was negative, in dismissing the complaint filed to secure an order compelling the reestablishment of joint rates, held that the Commerce Court is without jurisdiction to determine its validity.

United States v. Louisiana & Pacific Ry. Co.

Atchison, Topeka & Santa Fe Ry. Co. v. Louisiana & Pacific Ry. Co.

234 U. S. 1. May 25, 1914. Day, J.

Judgment of Commerce Court affirmed.

Tap Line Case.

31 I. C. C. 490. July 29, 1914.

I. & S. Docket No. 11. Op. 2749. Harlan, *Comr.*

Original and supplemental orders denying allowances to certain tap lines vacated. Conclusions announced in original report respecting milling in transit rates on logs adhered to.

TAP LINE CASE.

Tap Line Case.

23 I. C. C. 277. April 23, 1912. Harlan, *Comr.*

23 I. C. C. 549. May 14, 1912. *By the Commission.*

I. & S. Docket No. 11. Ops. 1853 and 1898.

Trunk lines held to be justified in canceling divisions and allowances which had been paid to certain tap lines operated in connection with certain lumber industries, on the ground that such tap lines are not common carriers but are performing a plant-facility service.

Woodworth & Louisiana Central Ry. Co. v. Interstate Commerce Commission.

Not reported. June 27, 1912.

Commerce Court No. 72.¹

Following *Procter & Gamble v. U. S.* (225 U. S., 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction, case dismissed for want of jurisdiction.

¹ No. 72 was reinstated as No. 91 after the issuance by the Commission of its order of October 30, 1912. Record transferred to District Court for the Western District of Louisiana upon dissolution of Commerce Court.

Tap Line Case.

Not reported. October 30, 1912.

I. & S. Docket No. 11.

Trunk lines ordered to desist from paying any such allowance or division to any such tap line.

Woodworth & Louisiana Central Ry. Co. v. United States.

Not reported. February 24, 1913.

Commerce Court No. 91.¹

Motion to dismiss for want of jurisdiction on ground that the order, though affirmative in form, is negative in substance, denied.

Woodworth & Louisiana Central Ry. Co. v. United States.

209 Fed. 244. November 26, 1913.

Commerce Court No. 91.¹ Mack, J.

Commission's order held to be invalid, as arbitrary and beyond the power of the Commission, in so far as it prohibited any allowance for switching less than 1,000 feet or more than 3 miles, and also in so far as it prohibited the making of joint rates with certain tap lines and a payment of a division thereof to the tap line. In so far as the order was negative, in dismissing the complaint filed to secure an order compelling the reestablishment of joint rates, held that the Commerce Court is without jurisdiction to determine its validity.

United States v. Woodworth & Louisiana Central Ry. Co.

Atchison, Topeka & Santa Fe Ry. Co. v. Woodworth & Louisiana Central Ry. Co.

234 U. S. 1. May 25, 1914. Day, J.

Judgment of Commerce Court affirmed.

Tap Line Case.

31 I. C. C. 490. July 29, 1914.

I. & S. Docket No. 11. Op. 2749. Harlan, *Comr.*

Original and supplemental orders denying allowances to certain tap lines vacated. Conclusions announced in original report respecting milling in transit rates on logs adhered to.

TAP LINE CASE.

Tap Line Case.

23 I. C. C. 277. April 23, 1912. Harlan, *Comr.*

23 I. C. C. 549. May 14, 1912. *By the Commission.*

I. & S. Docket No. 11. Op. 1853 and 1898.

Trunk lines held to be justified in canceling divisions and allowances which had been paid to certain tap lines, which tap lines, the Commission found, were performing a plant-facility service and not a common-carrier service.

Sibley, Lake Bisteneau & Southern Ry. Co. v. United States.

Not reported. June 27, 1912.

Commerce Court No. 73.

Following *Procter & Gamble v. U. S.* (225 U. S., 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction, case dismissed for want of jurisdiction.

Tap Line Case.

Not reported. October 30, 1912.

I. & S. Docket No. 11.

Trunk lines ordered to desist from paying any such allowance or division to any such tap line.

Tap Line Case.**Not reported.** November 10, 1913.**31 I. C. C. 490.** July 29, 1914. Harlan, *Comr.***I. & S. Docket No. 11.** Op. 2749.

Previous orders denying allowances vacated.

TAP LINE CASE.**Tap Line Case.****23 I. C. C. 277.** April 23, 1912. Harlan, *Comr.***23 I. C. C. 549.** May 14, 1912. *By the Commission.***I. & S. Docket No. 11.** Ops. 1853 and 1898.

Trunk lines held to be justified in canceling divisions and allowances which had been paid to certain tap lines, which tap lines, the Commission found, were performing a plant-facility service and not a common-carrier service.

Tap Line Case.**Not reported.** October 30, 1912.**I. & S. Docket No. 11.**

Trunk lines ordered to desist from paying any such allowance or division to any such tap line.

Rutler County R. R. Co. v. United States.**209 Fed. 260.** November 26, 1918.**Commerce Court No. 89.¹** Mack, *J.*

Commission's order held to be invalid, as arbitrary and beyond the power of the Commission, in so far as it prohibited any allowance for switching less than 1,000 feet or more than 3 miles, and also in so far as it prohibited the making of joint rates with certain tap lines and the payment of a division thereof to the tap lines. In so far as the order was negative, in dismissing the complaint filed to secure an order compelling the reestablishment of joint rates, held that the Commerce Court is without jurisdiction to determine its validity.

United States v. Butler County R. R. Co.**234 U. S. 29.** May 25, 1914. Day, *J.*

Decree of Commerce Court affirmed and order of Commission held to be invalid.

Tap Line Case.**31 I. C. C. 490.** July 29, 1914. Harlan, *Comr.***I. & S. Docket No. 11.** Op. 2749.

Original and supplemental orders denying allowances to certain tap lines vacated. Conclusions announced in the original order respecting milling in transit rates on logs adhered to.

TAP LINE CASE.**Tap Line Case.****23 I. C. C. 277.** April 23, 1912. Harlan, *Comr.***23 I. C. C. 549.** May 14, 1912. *By the Commission.***I. & S. Docket No. 11.** Ops. 1853 and 1898.

Trunk lines held to be justified in canceling divisions and allowances which had been paid to certain tap lines, which tap lines, the Commission found, were performing a plant-facility service and not a common-carrier service.

¹ Record transferred to District Court for the Eastern District of Missouri upon dissolution of Commerce Court.

Tap Line Case.

Not reported. October 30, 1912.

I. & S. Docket No. 11.

Trunk lines ordered to desist from paying any such allowances or division to any such tap line.

Mansfield Ry. & Transportation Co. v. United States.

Not reported. February 24, 1912.

Commerce Court No. 92.¹

Motion to dismiss for want of jurisdiction on the ground that the order, though affirmative in form, is negative in substance, denied.

Mansfield Ry. & Transportation Co. v. United States.

209 Fed. 244. November 26, 1913.

Commerce Court No. 92.¹ Mack, J.

Commission's order held to be invalid, as arbitrary and beyond the power of the Commission, in so far as it prohibited any allowance for switching less than 1,000 feet or more than 3 miles, and also in so far as it prohibited the making of joint rates with certain tap lines and the payment of a division thereof to the tap lines. In so far as the order was negative, in dismissing the complaint filed to secure an order compelling the reestablishment of joint rates, held that the Commerce Court is without jurisdiction to determine its validity.

United States v. Mansfield Ry. & Transportation Co.

Atchison, Topeka & Santa Fe Ry. Co. v. Mansfield Ry. & Transportation Co.

234 U. S. 1. May 25, 1914. Day, J.

Decree of Commerce Court affirmed and order of Commission held to be invalid.

Tap Line Case.

31 I. C. C. 490. July 29, 1914. Harlan, *Comr.*

I. & S. Docket No. 11. Op. 2749.

Original and supplemental orders denying allowances to certain tap lines vacated. Conclusions announced in the original order respecting milling in transit rates on logs adhered to.

TAP LINE CASE.

Tap Line Case.

23 I. C. C. 277. April 23, 1912. Harlan, *Comr.*

23 I. C. C. 549. May 14, 1912. *By the Commission.*

I. & S. Docket No. 11. Ops. 1853 and 1898.

Trunk lines held to be justified in canceling divisions and allowances which had been paid to certain tap lines, which tap lines, the Commission found, were performing a plant-facility service and not a common-carrier service.

Tap Line Case.

Not reported. October 30, 1912.

I. & S. Docket No. 11.

Trunk lines ordered to desist from paying any such allowances or division to any such tap line.

¹ Record transferred to District Court for the Western District of Louisiana upon dissolution of Commerce Court.

Victoria, Fisher & Western R. R. Co. v. United States.

Not reported. February 24, 1912.

Commerce Court No. 93.¹

Motion to dismiss for want of jurisdiction on the ground that the order, though affirmative in form is negative in substance, denied.

Victoria, Fisher & Western R. R. Co. v. United States.

209 Fed. 244. November 26, 1913.

Commerce Court No. 93.¹ Mack, J.

Commission's order held to be invalid, as arbitrary and beyond the power of the Commission, in so far as it prohibited any allowance for switching less than 1,000 feet or more than 3 miles, and also in so far as it prohibited the making of joint rates with certain tap lines and the payment of a division thereof to the tap lines. In so far as the order was negative, in dismissing the complaint filed to secure an order compelling the reestablishment of joint rates, held that the Commerce Court is without jurisdiction to determine its validity.

United States v. Victoria, Fisher & Western R. R. Co.

Atchison, Topeka & Santa Fe Ry. Co. v. Victoria, Fisher & Western R. R. Co.

234 U. S. 1. May 25, 1914. Day, J.

Judgment of Commerce Court affirmed and order of Commission held to be invalid.

Tap Line Case.

31 I. C. C. 490. July 29, 1914. Harlan, Comr.

I. & S. Docket No. 11. Op. 2749.

Original and supplemental orders denying allowances to certain tap lines vacated. Conclusions announced in the original order respecting milling in transit rates on logs adhered to.

NEWPORT NEWS RATE CASE.

Chamber of Commerce of Newport News v. Southern Ry. Co.

23 I. C. C. 345. April 8, 1912.

Docket No. 2965. Op. 1854. *By the Commission.*

For a number of years Newport News and Norfolk, Va., took equal rates to and from common points in associated railways territory and in southeastern freight association territory. Held, that it was an undue prejudice against Newport News for the carriers to advance the Newport News rates while maintaining the former Norfolk rates. Carriers ordered to cease this discrimination.

Southern Ry. Co. v. United States.

204 Fed. 465. March 11, 1913.

Commerce Court No. 82. Hunt, J.

Commission's order held to be valid.

¹ Record transferred to District Court for the Western District of Louisiana upon dissolution of Commerce Court.

MOBILE WHARFAGE CASE.

Mobile Chamber of Commerce v. Mobile & Ohio R. R. Co.

23 I. C. C. 417. May 7, 1912.

Docket No. 4242. Op. 1869. Lane, *Comr.*

Defendants ordered not to discriminate in extending delivery at ship-side rates at the port of Mobile, Ala., on traffic moving over their wharves when destined to one water line or to another; defendants further ordered to cease discriminating in the issuance of through bills of lading on export traffic moving at their ship-side rates.

Southern Ry. Co. v. United States.

Not reported. June 13, 1913.

Commerce Court No. 81.

Case dismissed without prejudice in accordance with stipulation.

PIPE-LINE CASE.

In re Pipe Lines.

24 I. C. C. 1. June 3, 1912.

Docket No. 4199. Op. 1907. Lane, *Comr.*

Certain pipe-line companies ordered to file with Commission schedules of their rates and charges.

Prairie Oil & Gas Co. v. United States.

Uncle Sam Oil Co. v. United States.

Robert D. Benson v. United States.

Ohio Oil Co. v. United States.

Standard Oil Co. v. United States.

Standard Oil Co. of Louisiana v. United States.

204 Fed. 798. March 12, 1913.

Commerce Court No. 75¹-80. Knapp, *J.*

Commission's order held to be invalid on the ground that section 1 of the act as amended June 29, 1906, is unconstitutional in so far as it attempts to impose upon what was previously a strictly private business public duties, and to convert by force of law a corporation owner, which was before a private corporation, into a public-service corporation and to compel it to devote its property to a public use without its consent. It was held that this constituted a deprivation of property without due process of law.

United States v. Prairie Oil & Gas Co.

234 U. S. 548. June 22, 1914. Holmes, *J.*

Decree of Commerce Court reversed.

United States v. Uncle Sam Oil Co.

234 U. S. 548. June 22, 1914. Holmes, *J.*

Decree of Commerce Court affirmed.

PIPE-LINE CASE.

In re Pipe Lines.

24 I. C. C. 1. June 3, 1912.

Docket No. 4199. Op. 1907. Lane, *Comr.*

Certain pipe-line companies ordered to file with Commission schedules of their rates and charges.

¹ Records transferred to various district courts upon dissolution of Commerce Court.

United States Pipe Line Co. v. United States.

Commerce Court No. 85.¹

No action taken in this case pending determination of the other Pipe Line cases by the Supreme Court.

United States Pipe Line Co. v. United States.

Pending.

D. C., E. D., Pa.

FLOUR CITY STEAMSHIP CASE.

United States ex rel. Flour City Line v. Lehigh Valley R. R. Co.

Not reported. October 25, 1911.

Commerce Court No. 53.

Petition dismissed which sought a writ of mandamus to compel defendant railroad companies to apply, on traffic from Buffalo, N. Y., to the East, the same rate when such traffic reached Buffalo on boats of the complainant as when such traffic reached Buffalo on boats of other lines.

Flour City Steamship Co. v. Lehigh Valley R. R. Co.

24 I. C. C. 179. June 4, 1912.

Docket No. 4495. Op. 1933. McChord, *Comr.*

Held, that complainant is a common carrier subject to the act and entitled to form a part of a joint through route. No order entered. Case held open for such further action as may become necessary.

BOWLING GREEN FOURTH SECTION CASE.

Bowling Green Business Men's Protective Asso. v. Louisville & Nashville R. R. Co.

24 I. C. C. 228. June 4, 1912.

Docket No. 4310. Fourth section application No. 1952. Op. 1940. Meyer, *Comr.*

That portion of defendants' fourth section application No. 1952, which sought authority to continue to charge lower rates on traffic through Bowling Green, Ky., to and from Nashville, Tenn., than are contemporaneously maintained to and from Bowling Green, denied; also that portion of said application which sought authority to continue to charge lower rates on oranges from Jacksonville, Fla., through Bowling Green to Louisville, Ky., than are contemporaneously maintained on Bowling Green, denied.

Louisville & Nashville R. R. Co. v. United States.

207 Fed. 591. September 4, 1913.

Commerce Court No. 86.² Carland, J.

Following *Procter & Gamble v. U. S.* (225 U. S., 282) to the effect that a denial of relief by the Commission is not an order of which the Commerce Court has jurisdiction, case dismissed for want of jurisdiction.

Louisville & Nashville R. R. Co. v. United States.

Pending, Supreme Court of the United States.

¹ Record transferred to District Court for the Eastern District of Pennsylvania, upon dissolution of the Commerce Court.

² Record transferred to District Court for the Western District of Kentucky, upon dissolution of Commerce Court.

BATTLE CREEK FOURTH SECTION CASE.

Kellogg Toasted Corn Flake Co. v. Michigan Central R. R. Co.

24 I. C. C. 604. June 5, 1912.

Docket No. 8813. Fourth section application No. 2045. Op. 1982. *By the Commission.*

That portion of application No. 2045, which sought authority to continue lower rates on sugar from New Orleans, La., to Detroit, Mich., Cleveland and Toledo, Ohio, than the rate contemporaneously in effect to Battle Creek, Mich., and other intermediate stations north of the Ohio River, denied.

Illinois Central R. R. Co. v. United States.

Not reported. November 9, 1912.

Commerce Court No. 87.

Case dismissed by stipulation.

 BUSS LINE PASS CASE.

United States v. Central R. R. Co. of New Jersey.

Not reported. October 8, 1912.

Commerce Court No. 84.

Petition for injunction to restrain defendant from issuing passes to employees of buss lines not subject to the act, dismissed with consent of the Government.

 ARKANSAS FERTILIZER CASE.

Arkansas Fertilizer Co. v. Kansas City Southern Ry. Co.

Special Docket No. 12784. December 8, 1910.

Reparation denied complainant on the ground that the claim was barred by section 16 for the reason that more than two years had elapsed between the delivery of the goods to the consignee and the filing of the claim.

Arkansas Fertilizer Co. v. United States.

193 Fed. 667; 1 Com. Ct. 283. December 5, 1911.

Commerce Court No. 42. Knapp, J.

Commission's order held to be valid in all respects.

Arkansas Fertilizer Co. v. St. Louis, Iron Mountain & Southern Ry. Co.

25 I. C. C. 266. November 11, 1912.

Docket No. 4714. Op. 2070. *By the Commission.*

Former action affirmed and complaint dismissed.

 COAL DIFFERENTIAL CASE.

Louisville & Nashville Railroad Coal & Coke Rates.

26 I. C. C. 20. January 7, 1913.

I. & S. 71. Op. 2141. McChord, *Comr.*

Proposed increased rates from Appalachia and the St. Charles districts in Virginia on coal to the Ohio River and to points north and south thereof and on coke to points north of the Ohio River not found to have been justified.

Coal Rates from Virginia Mines.**30 I. C. C. 635. June 13, 1914.****I. & S. 321. Op. 2689. Meyer, *Comr.***

Differentials prescribed on coal rates between St. Charles and Appalachia groups and mines at Denham, Ky., and the Middlesboro-Jellico group to points north of the Ohio River.

Louisville & Nashville R. R. Co. v. United States.**Not reported.****D. C., W. D., Va. October 1, 1914. Pritchard, *J.***

Preliminary injunction against enforcement of Commission's order denied. Application should first be made to the Commission for rehearing and that the carrier must introduce in court the entire record before the Commission and not parts only.

MANDAMUS.**United States ex rel. Stony Fork Coal Co. v. Louisville & Nashville R. R. Co.****195 Fed. 88; 1 Com. Ct. 383. March 20, 1912.****Commerce Court No. 57. Carland, *J.***

Upon application of mine owners, the court issued a writ of mandamus commanding the carriers to furnish cars and carry petitioners' coal on the ground that failure to do so subjects petitioners to an undue discrimination. It was held that a dispute between carriers as to which carrier shall furnish cars for a short haul does not justify the carriers in declining to furnish transportation.

Coal Rates on the Stony Fork Branch.**In re Advances on Coal.****26 I. C. C. 168. February 10, 1913.****I. & S. Docket No. 104. Op. 2180. Meyer, *Comr.***

Tariffs, by which it was proposed to cancel the joint rates on coal on the Stony Fork branch of the Louisville & Nashville road, permanently suspended. It was held that the carrier upon whose line shippers are located is legally responsible for furnishing transportation facilities.

PULP WOOD RATE CASE.**Pulp & Paper Mfrs. Traffic Asso. v. Chicago, Milwaukee & St. Paul Ry. Co.****27 I. C. C. 83. May 12, 1913.****Docket No. 5327. Op. 2316. Clark, *Comr.***

Rates on pulp wood declared unreasonable from Minnesota to Wisconsin and Michigan and reduced rates as maximum rates to be observed in the future.

Frederick M. Alger v. Duluth & Northern Minnesota R. R. Co.**D. C., D., Minn., 5th Div. Pending.**

ARANSAS PASS CASE.**Aransas Pass Channel & Dock Co. v. Galveston, Harrisburg & San Antonio Ry. Co.****27 I. C. C. 403. June 16, 1913.****Docket No. 5249. Op. 2359. Clark, *Comr.***

Commission ordered certain carriers to remove discrimination, which resulted from the application of proportional rates which are greater to Port Aransas

than to Galveston on cotton shipped from points in Texas through these ports to foreign countries, and the action of the carriers in issuing through bills of lading on shipments which pass through Galveston while refusing to issue similar bills of lading on shipments through Port Aransas.

Galveston, Harrisburg & San Antonio Ry. Co. v. United States.

D. C., S. D., Tex. Pending.

COMMUTATION RATE CASE.

The Commutation Rate Case.

27 I. C. C. 549. June 19, 1913.

I. & S. Nos. 1 and 8. Op. 2382. Harlan, *Comr.*

Commission by report proposed that carriers reduce their commutation passenger rates between Greenwich, Coscob, Riverside, Sound Beach, and Stamford, Conn. The carriers having failed to file tariff containing the proposed fares, an order was entered by the Commission on December 2, 1913.

New York, New Haven & Hartford R. R. Co. v. United States.

D. C., Conn. Pending.

NASHVILLE INTERCHANGE CASE.

Traffic Bureau of Nashville v. Louisville & Nashville R. R. Co.

28 I. C. C. 533. December 9, 1913.

Docket No. 4604. Op. 2488. McChord, *Comr.*

Rates on coal from L. & N. western Kentucky mines to Nashville and from N. C. & St. L. mines in Tennessee and Alabama to Nashville found to be unreasonable; also that refusal of defendants to interchange traffic to and from Tennessee Central R. R. Co. found to be unjustly discriminatory under section 3.

Louisville & Nashville R. R. Co. v. United States.

216 Fed. 672. September 1, 1914.

D. C., M. D., Tenn.

Order of Commission held to be valid.

MANDAMUS CASE.

Louisville Cement Co. v. Louisville & Nashville R. R. Co.

28 I. C. C. 732. October 7, 1913.

Docket No. 5356. Op. U. R. A-333. *By the Commission.*

Reparation denied on shipments of coal from Jellico and Wilton, Ky., to Speeds, Ind., on the ground that the complaint was not filed with the Commission within two years from the date the shipments were delivered at Speeds, Ind.

United States ex rel. Louisville Cement Co. v. Interstate Commerce Commission.

Not reported. July 20, 1914.

Sup. Ct. D. of C. Anderson, *J.*

Application for mandamus to compel Commission to take jurisdiction as to shipments held barred by section 16, denied.

United States ex rel. Louisville Cement Co. v. Interstate Commerce Commission.

C. Apps., D. C. Pending.

WATER LINE EMPLOYEES PASS CASE.

United States v. Erie R. R. Co.

1 Com. Ct. 739. November 26, 1913.

Commerce Court Nos. 83 and 94. *Per curiam*.

Petition for injunction to restrain the Erie road from issuing passes to employees of water lines alleged not to be subject to the act, dismissed on account of a divided court.

United States v. Erie R. R. Co.

213 Fed. 391. April 29, 1914.

D. C., S. D., N. Y. Hough, J.

Common carrier subject to the act not limited to the exchange of passes with other carriers equally subject to act. Passes may be exchanged with trans-Atlantic steamship lines and foreign railroads not subject to the act.

 NEW CASTLE, PA., INTERCHANGE CASE.

Buffalo, Rochester & Pittsburgh Ry. Co. v. Pennsylvania Co.

29 I. C. C. 114. December 3, 1913.

Docket No. 3244. Op. 2540. Clements, *Comr.*

Defendant ordered to cease discrimination against complainant by refusal to interchange traffic at New Castle, Pa.

Pennsylvania Co. v. United States.

214 Fed. 445.

D. C. W. D. Pa.

May 9, 1914. Hunt, J.

Commission's order held to be valid.

 MANDAMUS CASE.

Industrial Railways Case.

29 I. C. C. 212. January 20, 1914.

Docket No. 4181. Op. 2547. Harlan, *Comr.*

Commission by decision held that the Newburgh & South Shore Railway was a plant facility of the American Steel & Wire Co. and not entitled to receive divisions out of through rates. No formal order was entered.

United States ex rel. American Steel & Wire Co. v. Interstate Commerce Commission.

Not reported. Aug. 17, 1914.

Sup. Ct. D. of C. Stafford, J.

Application for mandamus to compel Commission to enter formal order. denied.

United States ex rel. Snell v. Interstate Commerce Commission.

C. Apps., D. C. Pending.

METROPOLIS CASE. •

Metropolis Commercial Club *v.* Illinois Central R. R. Co.

30 I. C. C. 40. April 6, 1914.

Docket No. 6127. Op. 2616. Clark, *Comr.*

Rates on lumber and logs from points in Tennessee, Alabama, Mississippi, Louisiana, and Arkansas to Metropolis, Ill., found unduly prejudicial against Metropolis in favor of Cairo, Ill.

St. Louis, Iron Mountain & Southern Ry. Co. *v.* United States.

Not reported. September 10, 1914.

D. C., E. D., Ill. Baker, *J.*

Preliminary injunction against enforcement of Commission's order granted.

CEMENT RATE CASE.

Allentown Portland Cement Co. *v.* Philadelphia & Reading Ry. Co.

31 I. C. C. 277. July 10, 1914.

Docket No. 5314. Op. 2728. Clements, *Comr.*

Carriers required to desist from an undue prejudice caused by failure to maintain to Jersey City for local consumption the same rates on cement from Evansville, Pa., in the Lehigh district as are maintained from other points in said district.

Philadelphia & Reading Ry. Co. *v.* Interstate Commerce Commission.

D. C., E. D., Pa. Pending.

IMMUNITY OF WITNESS CASE.

In the Matter of Private Cars.

Docket No. 4906. Not yet decided.

Order of Investigation entered June 5, 1912.

Allowances paid for the uses of private cars, practices of handling and icing of such equipment, etc.

Interstate Commerce Commission *v.* Frederick W. Ellis.

Not reported. July 7, 1914.

D. C., Ill., E. Div. Landis, *J.*

Order entered directing defendant to testify and produce certain documentary evidence concerning transportation service performed by his corporation in connection with interstate shipments of packing-house products.

COMMISSIONS TO IMPORT AGENTS.

United States *v.* Lehigh Valley R. R. Co.

Not yet decided.

D. C., S. D., N. Y.

This is a suit under the Elkins Act brought for the purpose of restraining the Lehigh Valley R. R. Co. from paying salaries and commissions to Geo. W. Sheldon & Co. as import agents.

MANDAMUS CASE.

United States ex rel. Attorney General *v.* Louisville & Nashville R. R. Co.
212 Fed. 486. March 25, 1914.

D. C., W. D., Ky. Evans, J.

Application under section 20 for mandamus to compel defendant to disclose certain information in aid of an investigation by the Commission pursuant to a resolution of the Senate, denied.

MANDAMUS CASE.

United States ex rel. Attorney General *v.* Nashville, Chattanooga & St. Louis Ry. Co.

Not reported. September 4, 1914. Sanford, J.

D. C., M. D., Tenn.

Application under section 20 for mandamus to compel defendant to disclose certain information in aid of an investigation by the Commission pursuant to a resolution of the Senate, denied.

TABLE OF CASES.

	Page.
Abandoned Property Case.....	38
Aberdeen Group Commercial Asso. v. M. & O. R. R. Co.....	33
Accounting Case.....	38, 72
Alabama & V. Ry. Co., Florida Fruit & Vegetable Shippers' Asso. v.....	52
Alabama Midland Ry. Co., Board of Trade of Troy v.....	18
Alabama Midland Ry. Co., I. C. C. v. (Troy Case).....	18
Alaska Case.....	65
Alger v. D. & N. M. R. R. Co. (Pulp-wood rate case).....	90
Allentown Portland Cement Co. v. P. & R. Ry. Co.....	93
American Coal Co. v. B. & O. R. R. Co.....	60
American Sugar Refining Co. v. D. L. & W. R. R. Co. (Lighterage Allowance Case).....	53
American Sugar Refining Co. v. N. Y. C. & H. R. R. R. Co. (Lighterage Allowance Case).....	53
Anaconda Copper Mining Co. v. C. & E. R. R. Co.....	74
Anaconda Copper Mining Co. v. United States.....	75
Anderson & Saline River Ry. Co., Commercial Club of Omaha v.....	66
Aransas Pass Channel & Dock Co. v. G. H. & S. A. Ry. Co.....	90
Arkansas Fertilizer Co. v. K. C. S. Ry. Co.....	89
Arkansas Fertilizer Co. v. St. L., I. M. & S. Ry. Co.....	89
Arkansas Fertilizer Co. v. United States.....	89
Arlington Heights Fruit Co. v. S. P. Co. (Lemon Case).....	66
Arlington Heights Fruit Exchange v. S. P. Co. (Precooling Case).....	75
Associated Jobbers of Los Angeles v. A. T. & S. F. Ry. Co.....	63
Atchison, Topeka & Santa Fe Ry. Co., Associated Jobbers of Los Angeles v....	63
Atchison, Topeka & Santa Fe Ry. Co., Commercial Club, Traffic Bureau of Salt Lake City v.....	70
Atchison, Topeka & Santa Fe Ry. Co. v. I. C. C. (Intermountain Case—Phoenix).....	69
Atchison, Topeka & Santa Fe Ry. Co. v. I. C. C. (Lemon Case).....	67
Atchison, Topeka & Santa Fe Ry. Co. v. I. C. C. (Los Angeles Switching Case).....	63
Atchison, Topeka & Santa Fe Ry. Co. v. I. C. C. (Orange Routing Case).....	27
Atchison, Topeka & Santa Fe Ry. Co., I. C. C. v. (San Bernardino Case).....	9
Atchison, Topeka & Santa Fe Ry. Co. v. L. & P. Ry. Co.....	82
Atchison, Topeka & Santa Fe Ry. Co. v. M. Ry. & T. Co.....	85
Atchison, Topeka & Santa Fe Ry. Co., San Bernardino Board of Trade v.....	9
Atchison, Topeka & Santa Fe Ry. Co. v. United States (Intermountain Case—Phoenix).....	69
Atchison, Topeka & Santa Fe Ry. Co. v. United States (Intermountain Case—Reno).....	68
Atchison, Topeka & Santa Fe Ry. Co. v. United States (Lemon Case).....	67
Atchison, Topeka & Santa Fe Ry. Co. v. United States (Precooling Case)....	75
Atchison, Topeka & Santa Fe Ry. Co. v. United States (Southern Lumber Case—Omaha).....	66

	Page.
Atchison, Topeka & Santa Fe Ry. Co. v. V. F. & W. Ry. Co.....	86
Atchison, Topeka & Santa Fe Ry. Co. v. W. & L. C. Ry. Co.....	83
Atlantic Coast Line R. R. Co., Florida Fruit & Vegetable Shippers' Protective Asso. v.....	52
Atlantic Coast Line R. R. Co. v. I. C. C. (Boston Shoe Case).....	62
Augusta Chamber of Commerce v. S. Ry. Co.....	78
Augusta Chamber of Commerce v. United States.....	78
Baer Bros. Mercantile Co. v. D. & R. G. R. R. Co.....	49
Baer Bros. Mercantile Co. v. M. P. Ry. Co.....	49, 61
Baird, I. C. C. v.....	28
Baltimore & Ohio R. R. Co., American Coal Co. v.....	60
Baltimore & Ohio R. R. Co., Federal Sugar Co. v.....	53
Baltimore & Ohio R. R. Co., Hecker-Jones-Jewell Milling Co. v.....	50
Baltimore & Ohio R. R. Co. v. I. C. C. (Car Distribution Case Rail and River)...	44
Baltimore & Ohio R. R. Co. v. I. C. C. (Hours of Service Case).....	46
Baltimore & Ohio R. R. Co., I. C. C. v. (Party Rate Case).....	8
Baltimore & Ohio R. R. Co., I. C. C. v. (Restricted Rate Case).....	76
Baltimore & Ohio R. R. Co., P. C. & St. L. Ry. Co. v. (Party Rate Case).....	8
Baltimore & Ohio R. R. Co., Rail & River Co., v.....	44
Baltimore & Ohio R. R. Co., Red Rock Fuel Co. v.....	37
Baltimore & Ohio R. R. Co., United States v. (Lighterage Allowance Case— Federal Sugar).....	54
Baltimore & Ohio R. R. Co., v. United States (Restricted Rate Case).....	76
Baltimore & Ohio R. R. Co., in re Alleged unlawful charges from Chicago.....	14
Baltimore & Ohio Southwestern R. R. Co., C. & O. T. Co. v.....	76
Baltimore & Ohio Southwestern R. R. Co. v. United States (Cincinnati & Columbus Traction Case).....	76
Banner Milling Co. v. N. Y. C. & H. R. R. R. Co.....	40
Bartlett Commission Co. v. I. C. R. R. Co.....	36
Battle Creek Fourth Section Case.....	89
Behlmer v. L. & N. R. R. Co. (Summerville Hay Case).....	20
Behlmer v. M. & C. R. R. Co.....	20
Bellaire, Z. & C. Ry. Co., I. C. C. v.....	23
Benson v. United States.....	87
Big Vein Coal Case.....	60
Board of Trade of Chattanooga v. E. T., V. & G. Ry. Co.....	17
Board of Trade of Hampton v. N. C. & St. L. Ry. Co.....	25
Board of Trade of Kansas City v. United States.....	80
Board of Trade of New Orleans v. L. & N. R. R. Co.....	61
Board of Trade of New York v. Pennsylvania R. R. Co.....	9
Board of Trade of San Bernardino v. A. T. & S. F. Ry. Co.....	9
Board of Trade of Troy v. Alabama Midland Ry Co.....	18
Boston & Maine R. R. v. I. C. C. (Hours of Service Report Case).....	48
Boston Shoe Case.....	62
Bowling Green Business Men's Protective Asso. v. L. & N. R. R. Co.....	88
Brewer v. C. of G. Ry. Co.....	23
Brewer & Hanleiter v. L. & N. R. R. Co.....	23
Brimson, I. C. C. v.....	14
Buffalo Grain Case.....	40
Buffalo, Rochester & Pittsburgh Ry. Co. v. P. Co.....	92
Bulah Coal Co. v. P. R. R. Co.....	72
Burgess v. Transcontinental Freight Bureau.....	42
Burlington & Missouri River R. R. Co. in Nebraska, Gustin v.....	25

	Page.
Burnham, Hanna, Munger Dry Goods Co. v. C. R. I. & P. Ry. Co.....	50
Business Men's Protective Asso. of Bowling Green v. L. & N. R. R. Co.....	88
Buss Line Pass Case.....	89
Butler County R. R. Co. v. United States (Tap Line Case).....	84
California Commercial Asso. v. Wells Fargo & Co.....	51
Callaway v. L. & N. R. R. Co.....	24
Calumet & Blue Island Ry. Co., in re (Brimson Case).....	13
Car Distribution Case (Hillsdale).....	71
Car Distribution Cases (Rail & River).....	44
Car Distribution Cases (Traer).....	40
Cardiff Coal Co. v. C. M. & St. P. Ry. Co.....	41
Cattle Raisers' Asso. of Texas v. C. B. & Q. R. R. Co.....	30
Cattle Raisers' Asso. of Texas v. Ft. W. & D. C. Ry. Co.....	29
Cattle Raisers' Asso. of Texas v. M. K. & T. Ry. Co.....	36
Cattle Raisers' Asso. of Texas v. United States.....	37
Central of Georgia Ry. Co., Brewer v.....	23
Central of Georgia Ry. Co., Kiser Co. v.....	62
Central R. R. of New Jersey, Crane Iron Works v.....	56
Central R. R. Co. of New Jersey v. I. C. C. (Hours of Service Case).....	46
Central R. R. Co. of New Jersey, United States v. (Buss Line Case).....	89
Central Yellow Pine Asso. v. I. C. R. R. Co.....	33
Chamber of Commerce of Augusta v. Southern Ry. Co.....	78
Chamber of Commerce of Augusta v. United States.....	78
Chamber of Commerce of Chattanooga v. Southern Ry. Co.....	18
Chamber of Commerce of Cincinnati v. C., N. O. & T. P. Ry. Co.....	19
Chamber of Commerce of Minneapolis v. Great Northern Ry. Co.....	17
Chamber of Commerce of Mobile v. Mobile & O. R. R. Co.....	87
Chamber of Commerce of Newport News v. S. Ry. Co.....	86
Charleston Truck Farmers Asso. v. N. E. R. R. Co. of S. C.....	21
Chattanooga Board of Trade v. E. T., V. & G. Ry. Co.....	17
Chattanooga Chamber of Commerce v. S. Ry. Co.....	18
Chesapeake & Ohio Coal Case.....	28
Chesapeake & Ohio Ry. Co., I. C. C. v.....	29
Chesapeake & Ohio Ry. Co., United States, ex rel. I. C. C. v.....	29
Chicago & Alton R. R. Co., I. C. C. v. (Traer Car Distribution Case).....	41
Chicago & Alton R. R. Co., Traer v.....	40
Chicago & Erie R. R. Co., Anaconda Copper Mining Co. v.....	74
Chicago, Burlington & Quincy R. R. Co., Cattle Raisers' Asso. of Texas v.....	30
Chicago, Burlington & Quincy R. R. Co., I. C. C. v. (Chicago Switching Terminal Case).....	29
Chicago, Burlington & Quincy R. R. Co., I. C. C. v. (Denver Rate Case).....	57
Chicago, Burlington & Quincy R. R. Co. v. I. C. C. (Denver Rate Case).....	57
Chicago, Burlington & Quincy R. R. Co., Traffic Bureau, Merchants Exchange of St. Louis v.....	32, 79
Chicago Freight Bureau v. L. N. A. & C. Ry. Co. (Maximum Rate Case).....	19
Chicago Great Western Ry. Co., Chicago Live Stock Exchange v.....	33
Chicago Great Western Ry. Co., I. C. C. v. (Chicago Live Stock Exchange)....	33
Chicago Junction Ry. Co. v. U. S.....	40
Chicago, Kalamazoo & Saginaw R. R. Co., U. S. ex rel. I. C. C., v.....	23
Chicago Live Stock Exchange v. Chicago Great Western Ry. Co.....	33
Chicago, Milwaukee & St. Paul Ry. Co., Cardiff Coal Co. v.....	41
Chicago, Milwaukee & St. Paul Ry. Co. v. I. C. C. (Cardiff Coal Case).....	41
Chicago, Milwaukee & St. Paul Ry. Co. v. I. C. C. (Flaxseed Case).....	55

	Page.
Chicago, Milwaukee & St. Paul Ry. Co. v. I. C. C. (Through Rate Case).....	50
Chicago, Milwaukee & St. Paul Ry. Co., I. C. C. v. (Minneapolis Grain Case)...	17
Chicago, Milwaukee & St. Paul Ry. Co., Pulp & Paper Mfrs. Traffic Asso. v...	90
Chicago, Milwaukee & St. Paul Ry. Co., Red Wing Linseed Co. v.....	55
Chicago Proportional Rates Case.....	78
Chicago, Rock Island & Pacific Ry. Co., Burnham, Hanna, Munger Dry Goods Co. v.....	50
Chicago, Rock Island & Pacific Ry. Co., Greater Des Moines Committee v....	60
Chicago, Rock Island & Pacific Ry. Co. v. I. C. C. (Denver Rate Case).....	57
Chicago, Rock Island & Pacific Ry. Co. v. I. C. C. (Des Moines Proportional Rate Case).....	60
Chicago, Rock Island & Pacific Ry. Co. v. I. C. C. (Missouri River Rate Case)..	50
Chicago Terminal Switching Case.....	29
Cincinnati & Columbus Traction Co. v. B. & O. S. W. R. R. Co.....	76
Cincinnati Chamber of Commerce, Freight Bureau v. C., N. O. & T. P. Ry. Co..	19
Cincinnati, Hamilton & Dayton Ry. Co. v. I. C. C. (Soap Classification Case)..	28
Cincinnati, Hamilton & Dayton Ry. Co., Procter & Gamble Co. v. (Private Car Demurrage Case).....	74
Cincinnati, Hamilton & Dayton Ry. Co., Procter & Gamble Co. v. (Soap Classi- fication Case).....	28
Cincinnati, New Orleans & Texas Pacific Ry. Co., Freight Bureau of Cincinnati Chamber of Commerce v.....	19
Cincinnati, New Orleans & Texas Pacific Ry. Co., I. C. C. v. (Georgia Com- mission Cases).....	15
Cincinnati, New Orleans & Texas Pacific Ry. Co., I. C. C. v. (Maximum Rate Case).....	20
Cincinnati, New Orleans & Texas Pacific Ry. Co., I. C. C. v. (Social Circle Case).....	12
Cincinnati, New Orleans & Texas Pacific Ry. Co., James & Mayer Buggy Co. v..	11
Cincinnati, New Orleans & Texas Pacific Ry. Co., R. R. Commission of Geor- gia v.....	14
Cincinnati, New Orleans & Texas Pacific Ry. Co., Receivers & Shippers' Asso. of Cincinnati v.....	64, 65
Cincinnati, Portsmouth & Virginia R. R. Co., I. C. C. v. (Wilmington Case)....	26
Cincinnati, Portsmouth & Virginia R. R. Co., Wilmington Tariff Asso. v.....	26
Cincinnati Receivers & Shippers' Asso. v. C., N. O. & T. P. Ry. Co.....	64, 65
City of Danville v. Southern Ry. Co.....	25
City of St. Cloud v. Northern Pacific Ry. Co.....	24
City of Spokane v. Northern Pacific Ry. Co.....	70
Clark v. Lehigh Valley R. R. Co.....	55
Clark Bros. Coal Mining Co. v. P. R. R. Co.....	72
Classification Case (Hay).....	27
Classification Case (Soap).....	28
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co., Elmore-Benjamin Coal Co. v.....	79
Clyde Steamship Co., I. C. C. v. (Georgia Commission Cases).....	15
Clyde Steamship Co., Railroad Commission of Georgia v.....	14
Clyde Steamship Co., Trammell v. (Georgia Commission Cases).....	14
Coal Case (Big Vein).....	60
Coal Creek Case.....	78
Coal Rates on the Stony Fork Branch.....	90
Coal Rates from Virginia Mines.....	90
Coke Case.....	78

	Page.
Coke Dual Rates Case.....	74
Colorado Fuel & Iron Co. v. S. P. Co.....	21
Colored Passengers Cases.....	7, 33
Commercial Asso. of California v. Wells Fargo & Co.....	51
Commercial Club of Maricopa County v. S. F., P. & P. Ry. Co. (Intermountain Case—Phoenix).....	69
Commercial Club of Maricopa County v. S. F., P. & P. Ry. Co. (Intermountain Case—Reno).....	68
Commercial Club of Metropolis v. I. C. R. R. Co.....	93
Commercial Club of Omaha v. A. & S. R. R. Co.....	66
Commercial Club, Traffic Bureau of Salt Lake City v. A. T. & S. F. Ry. Co....	70
Commissions to Import Agents.....	93
Commutation Rate Case.....	91
Company Material Case.....	75
Consolidated Forwarding Co. v. S. P. Co.....	26
Consolidated Shipment Case.....	51
Consolidation of Carriers, In re.....	39
Corporation Commission of North Carolina v. N. & W. Ry. Co.....	72
County Commercial Club of Maricopa v. S. F., P. & P. Ry. Co. (Intermountain Case—Phoenix).....	69
County Commercial Club of Maricopa v. S. F., P. & P. Ry. Co. (Intermountain Case—Reno).....	68
Coxe Bros. & Co. v. Lehigh Valley R. R. Co.....	10
Crane Iron Works v. C. R. R. of N. J.....	56
Crane Iron Works v. I. C. C.....	56
Crane Iron Works v. United States.....	56
Crane R. R. Co. v. P. & R. Ry. Co.....	56
Danville v. Southern Ry. Co.....	25
Darnell v. I. C. R. R. Co. (Thompson Lumber Case).....	42
Darnell-Taenzler Lumber Co. v. S. P. Co. (Burgess Lumber Case).....	43
Davis v. United States.....	80
Delaware, Lackawanna & Western R. R. Co., American Sugar Refining Co. v. (Lighterage Allowance Case).....	53
Delaware, Lackawanna & Western R. R. Co. v. I. C. C. (Consolidated Shipment Case).....	51
Delaware, Lackawanna & Western R. R. Co. v. I. C. C. (Hours of Service Case).....	47
Delaware, Lackawanna & Western R. R. Co. v. I. C. C. (Rahway Valley Case).....	45
Delaware, Lackawanna & Western R. R. Co. v. I. C. C. (Station Facilities Case).....	38
Delaware, Lackawanna & Western R. R. Co., I. C. C. v. (Window Shades Case).....	19
Delaware, Lackawanna & Western R. R. Co., Page v.....	19
Delaware, Lackawanna & Western R. R. Co., Preston & Davis v.....	37
Delaware, Lackawanna & Western R. R. Co., Rahway Valley R. R. Co. v.....	45
Delaware State Grange v. N. Y., P. & N. R. R. Co.....	10
Denver & Rio Grande R. R. Co. v. Baer Bros. Mercantile Co.....	49
Denver & Rio Grande R. R. Co. v. I. C. C. (Leadville Beer Case).....	61
Denver & Rio Grande R. R. Co. v. United States (Intermountain Case—Salt Lake).....	70
Denver Rate Case.....	56
Des Moines Committee, Greater v. C. R. I. & P. Ry. Co.....	60
Des Moines Proportional Rate Case.....	60
Detroit, Grand Haven & Milwaukee Ry. Co., I. C. C. v. (Stone & Carten).....	8
Detroit, Grand Haven & Milwaukee Ry. Co., Stone & Carten v.....	8
Dickerson v. L. & N. R. R. Co.....	55

	Page.
<i>Diffenbaugh v. I. C. C.</i>	32
<i>Duluth & Northern Minnesota R. R. Co., Alger v. (Pulp Wood Rate Case)</i>	90
<i>Duncan & Co. v. N. C. & St. L. Ry. Co.</i>	59
<i>Eagle White Lead Co. v. I. C. C.</i>	65
<i>East Tennessee, Virginia & Georgia Ry. Co., Board of Trade of Chattanooga v.</i> <i>East Tennessee, Virginia & Georgia Ry. Co., I. C. C. v. (Chattanooga Board</i> <i>of Trade Case)</i>	17
<i>Edwards v. N. C. & St. L. Ry. Co.</i>	39
<i>Eichenberg v. S. P. Co.</i>	45
<i>Elevation Allowance Cases</i>	31, 79
<i>Ellis, Interstate Commerce Commission v. (Immunity of Witness Case)</i>	93
<i>Elmore-Benjamin Coal Co. v. C., C., C. & St. L. Ry. Co.</i>	79
<i>Erie R. R. Co. v. I. C. C. (Hours of Service Case)</i>	49
<i>Erie R. R. Co., United States v.</i>	92
<i>Export Shipping Co. v. Wabash R. R. Co.</i>	51
<i>Farmers' Loan & Trust Co. v. N. P. Ry. Co.</i>	17
<i>Federal Sugar Refining Co. v. B. & O. R. R. Co.</i>	53
<i>Flaxseed Case</i>	55
<i>Flint & Walling Mfg. Co. v. L. S. & M. S. Ry. Co.</i>	50
<i>Florida East Coast Ry. Co. v. United States</i>	53
<i>Florida Fruit & Vegetable Shippers' Protective Asso. v. A. C. L. R. R. Co.</i>	52
<i>Florida Fruit Exchange v. S. F. & W. Ry. Co.</i>	12
<i>Florida Railroad Commission v. S. F. & W. Ry. Co.</i>	12
<i>Florida Railroad Commissioners v. S. A. L. Ry. Co.</i>	52
<i>Flour City Line, United States ex rel., v. L. V. R. R. Co.</i>	88
<i>Flour City Steamship Co. v. L. V. R. R. Co.</i>	88
<i>Ft. Worth & Denver City Ry. Co., Cattle Raisers' Asso. of Texas v.</i>	29
<i>Fourth Section Applications Nos. 205, 342, 343, 344, 349, 350, 352 (Inter-</i> <i>mountain Cases)</i>	68, 69, 70
<i>Fourth Section Application No. 1243 (Portland Case)</i>	79
<i>Free Cartage Case (Stone & Carten)</i>	8
<i>Freight Bureau of Chicago v. L., N. A. & C. Ry. Co.</i>	19
<i>Freight Bureau of Cincinnati Chamber of Commerce v. C., N. O. & T. P. Ry. Co.</i>	19
<i>Fruit & Vegetable Protective Asso. of Florida v. A. C. L. R. R. Co.</i>	52
<i>Fruit Exchange of Southern California v. S. P. Co.</i>	26
<i>Galveston, Harrisburg & San Antonio Ry. Co., Aransas Pass Channel & Dock</i> <i>Co. v.</i>	90
<i>Galveston, Harrisburg & San Antonio Ry. Co. v. U. S.</i>	91
<i>Galveston Wharfrage Case</i>	45
<i>Georgia Railroad Commission v. C., N. O. & T. P. Ry. Co.</i>	14
<i>Georgia Railroad Commission v. Clyde Steamship Co.</i>	14
<i>Georgia Railroad Commission v. L. & N. R. R. Co.</i>	14
<i>Georgia Railroad Commission v. Ocean Steamship Co.</i>	14
<i>Georgia Railroad Commission v. South Carolina R. R. Co.</i>	14
<i>Georgia Railroad Commission v. Western & Atlantic R. R. Co.</i>	14
<i>Georgia R. R. Co., Heard v.</i>	7
<i>Georgia R. R. Co., I. C. C. v. (Colored Passenger Case)</i>	7
<i>Gerke Brewing Co. v. L. & N. R. R. Co.</i>	18
<i>Goodrich Transit Co. v. I. C. C.</i>	72, 73
<i>Grain Exchange of Nashville v. United States</i>	60
<i>Great Northern Ry. Co., Chamber of Commerce of Minneapolis v.</i>	17
<i>Great Northern Ry. Co. v. I. C. C. (Northwestern Lumber Cases)</i>	59
<i>Great Northern Ry. Co. v. I. C. C. (Sleeping Car Case)</i>	63

	Page.
Great Northern Ry. Co. v. Kalispell Lumber Co.....	57
Greater Des Moines Committee v. C., R. I. & P. Ry. Co.....	60
Griffen Case.....	23
Gustin v. B. & M. R. R. Co. in Nebr.....	25
Hampton Board of Trade v. N., O. & St. L. Ry. Co.....	25
Harriman v. I. C. C.....	39
Hay Classification Case.....	27
Heard v. Georgia R. R. Co.....	7
Hearst v. P. & R. Ry. Co.....	28
Hecker-Jones-Jewell Milling Co. v. B. & O. R. R. Co.....	50
Hillsdale Coal & Coke Co. v. Pa. R. R. Co.....	71
Hooker v. Knapp.....	65
Hooker & Williamson v. Knapp.....	64
Hope Cotton Oil Co. v. T. & P. Ry. Co.....	35
Hopkins Case.....	14
Hours of Service Reports.....	46, 47, 48, 49
Houston, East & West Texas Ry. Co. v. United States (Shreveport Case).....	80
Humboldt Steamship Co., United States ex rel., I. C. C. v.....	66
Humboldt Steamship Co. v. White Pass & Yukon Route (Alaska Case).....	65
Illinois Central R. R. Co., Bartlett Commission Co. v.....	36
Illinois Central R. R. Co., Central Yellow Pine Asso. v.....	33
Illinois Central R. R. Co., Darnell v. (Thompson Lumber Case).....	42
Illinois Central R. R. Co. v. I. C. C. (Traer Car Distribution Case).....	41
Illinois Central R. R. Co. v. I. C. C. (Yellow Pine Lumber Case).....	34
Illinois Central R. R. Co., Metropolis Commercial Club v.....	93
Illinois Central R. R. Co., Thompson Lumber Co. v.....	41
Illinois Central R. R. Co., Traer v.....	40
Illinois Central R. R. Co. v. United States (Battle Creek Fourth Section Case).....	89
Illinois Collieries Co. v. C. & A. R. R. Co.....	40
Import Rate Case.....	9
In re Advances on Bituminous Coal.....	79
In re Advances on Coal on Stony Fork Branch.....	90
In re Alleged Unlawful Charges for Transportation from Chicago by the B. & O. R. R. Co.....	14
In re Alleged Unlawful Rates charged by the C. & O. Ry. Co.....	28
In re Allowances for Transfer of Sugar.....	53
In re Allowances to Elevators by the Union Pacific R. R. Co.....	31
In re Application for Relief under Fourth Section Nos. 205, 342, 343, 344, 349, 350, 352. (Intermountain Cases).....	68, 69, 70
In re Calumet & Blue Island Ry. Co. (Brimson Case).....	13
In re Consolidation of Carriers.....	39
In re Fourth Section Application No. 1952.....	88
In re Fourth Section Application of Southern Pacific Co. No. 1243.....	79
In re Hours of Service Reports.....	46-49
In re Interstate Commerce Commission (Brimson Case).....	13
In re Interstate Commerce Commission (Hopkins Case).....	14
In re Pipe Lines.....	87
In re Precooling and Preicing.....	75
In re Private Cars (Immunity of Witness Case).....	93
In re Proposed Contract between the Union Stock Yards & Transit Co., Pfaelzer & Sons.....	39
In re Rates on Coal by L. & N. R. R. Co.....	11
In re Reports of Water Carriers.....	72, 73, 74

	Page.
In re Restricted Rates	75
In re Sugar, Allowances for Transfer of	53
In re Through Passenger Routes via Portland, Ore.	59
In re Transportation by Common Carriers in cars not owned by said Common Carrier	31
In re Uniform System of Accounts for Steam Railroads	38
In re Water Carriers, Reports of	72, 73, 74
Independent Refiners' Asso. of Titusville v. P. R. R. Co.	15
Independent Refiners' Asso. of Titusville v. W. N. Y. & P. R. R. Co.	15
Industrial Delivery Case (Los Angeles)	63
Industrial Delivery Case (San Francisco)	64
Industrial Railways Case	92
Interchange of Traffic Cases	11
Intermountain Case—Phoenix	69
Intermountain Case—Reno	67
Intermountain Case—Salt Lake Case	70
Intermountain Case—Spokane	70
International Salt Co. of Illinois v. P. R. R. Co.	76
International Salt Co. of Illinois v. United States	76
Interstate Commerce Commission v. A. M. Ry. Co.	18
<i>v. A., T. & S. F. Ry. Co. (San Bernardino Case)</i>	9
<i>A., T. & S. F. Ry. Co. v. (Lemon Case)</i>	67
<i>A., T. & S. F. Ry. Co. v. (Intermountain Case—Phoenix)</i>	69
<i>A., T. & S. F. Ry. Co. v. (Los Angeles Switching Case)</i>	63
<i>A., T. & S. F. Ry. Co. v. (Orange Routing Case)</i>	27
<i>A. C. L. R. R. Co. v. (Boston Shoe Case)</i>	62
<i>v. Baird</i>	28
<i>B. & O. R. R. Co. v. (Hours of Service Case)</i>	46
<i>v. B. & O. R. R. Co. (Party Rate Case)</i>	8
<i>v. B. & O. R. R. Co. (Restricted Rate Case)</i>	76
<i>B. & O. R. R. Co. v. (Rail & River Car Distribution Case)</i>	44
<i>v. Bellaire, Z. & C. Ry. Co. (Mandamus Case)</i>	23
<i>v. Brimson</i>	14
<i>B. & M. R. R. v. (Hours of Service Report Case)</i>	48
<i>C. R. R. Co. of N. J. v. (Hours of Service Case)</i>	46
<i>v. C. & O. Ry. Co.</i>	29
<i>v. C. & A. R. R. Co. (Traer Car Distribution Case)</i>	41
<i>v. C., B. & Q. R. R. Co. (Chicago Terminal Switching Case)</i>	29
<i>v. C., B. & Q. R. R. Co. (Denver Rate Case)</i>	57
<i>v. Chicago Great Western Ry. Co. (Chicago Live Stock Case)</i>	33
<i>C., M. & St. P. Ry. Co. v. (Cardiff Coal Case)</i>	41
<i>C., M. & St. P. Ry. Co. v. (Flaxseed Case)</i>	55
<i>C., M. & St. P. Ry. Co. v. (Through Rate Case)</i>	50
<i>v. C., M. & St. P. Ry. Co. (Minneapolis Grain Case)</i>	17
<i>C., R. I. & P. Ry. Co. v. (Des Moines Proportional Rate Case)</i>	60
<i>C., R. I. & P. Ry. Co. v. (Missouri River Rate Case)</i>	50
<i>C., R. I. & P. Ry. Co. v. (Denver Rate Case)</i>	57
<i>v. C., H. & D. Ry. Co. (Soap Classification Case)</i>	28
<i>v. C., N. O. & T. P. Ry. Co. (Georgia Commission Case)</i>	15
<i>v. C., N. O. & T. P. Ry. Co. (Maximum Rate Case)</i>	20
<i>v. C., N. O. & T. P. Ry. Co. (Social Circle Case)</i>	12
<i>v. C., P. & V. R. R. Co.</i>	26

	Page.
Interstate Commerce Commission v. Clyde Steamship Co. (Georgia Commission Cases)	15
Crane Iron Works v.	56
v. D., L. & W. R. R. Co. (Consolidated Shipment Case)	51
D., L. & W. R. R. Co. v. (Hours of Service Case)	47
v. D., L. & W. R. R. Co. (Rahway Valley Case)	45
D., L. & W. R. R. Co. v. (Station Facilities Case)	38
v. D., L. & W. R. R. Co. (Window Shades Case)	19
D. & R. G. R. R. Co. v. (Leadville Beer Case)	61
v. Detriot, G. H. & M. Ry. Co.	8
v. Dittenbaugh	32
Eagle White Lead Co. v.	65
v. E. T., V. & G. Ry. Co. (Chattanooga Board of Trade Case)	17
v. Ellis (Immunity of Witness Case)	93
Erie R. R. Co. v. (Hours of Service Case)	49
v. G. R. R. Co. (Colored Passenger Case)	7
v. Goodrich Transit Co.	73
Great Northern Ry. Co. v. (Sleeping Car Case)	63
v. Great Northern Ry. Co. (Northwestern Lumber Cases)	59
v. Harriman	39
v. I. C. R. R. Co. (Traer Car Distribution Case)	41
v. I. C. R. R. Co. (Yellow Pine Lumber Case)	34
In re (Brimson Case)	13
In re (Hopkins Case)	14
Kahn v.	39
v. L. S. & M. S. Ry. Co. (National Hay Classification Case)	27
v. L. V. R. R. Co. (Coxe Bros. Coal Case)	10
L. V. R. R. Co. v. (Hours of Service Case)	48
v. L. & N. R. R. Co. (La Grange Case)	24
v. L. & N. R. R. Co. (Manufacturers Coal Rate Case)	11
v. L. & N. R. R. Co. (Middlesborough Beer Case)	18
v. L. & N. R. R. Co. (New Orleans Board of Trade Case)	61
v. L. & N. R. R. Co. (Tifton Case)	26
M., K. & T. Ry. Co. v. (Texas Live Stock Case)	37
v. M. & O. R. R. Co. (Aberdeen Group Case)	33
v. N., C. & St. L. Ry. Co. (Colored Passenger Case)	38
v. N., C. & St. L. Ry. Co. (Hampton Case)	26
N. Y. C. & H. R. R. R. Co. v. (Buffalo Grain Case)	40
N. Y. C. & H. R. R. R. Co. v. (Hecker-Jones-Jewell Case)	51
N. Y. C. & H. R. R. R. Co. v. (Hours of Service Case)	47
N. Y., N. H. & H. R. R. Co. v. (C. & O. Coal Case)	29
N. Y., N. H. & H. R. R. Co. v. (Hours of Service Case)	48
N. Y., O. & W. Ry. Co. v.	46
v. N. Y., P. & N. R. R. Co. (Delaware State Grange Case)	10
v. N. E. R. R. Co. of S. C. (Charleston Truck Farmers' Case)	21
v. N. P. Ry. Co. (Northwestern Lumber Cases)	59
v. N. P. Ry. Co. (Portland Gateway Case)	59
v. N. P. R. R. Co. (Raworth Case)	13
v. N. P. Ry. Co. (St. Cloud Case)	24
v. Ocean Steamship Co.	15
O. & C. B. S. Ry. Co. v.	62
v. Peavey & Co.	32
P. R. R. Co. v. (Car Distribution Case—Hillsdale)	72

	Page.	
Interstate Commerce Commission, <i>P. R. R. Co. v. (Hours of Service Case)</i>	47	
<i>v. P. & R. Ry. Co. (Baird Case)</i>	28	
<i>P. & R. Ry. Co. v. (Cement Rate Case)</i>	93	
<i>P. & R. Ry. Co. v. (Big Vein Coal Case)</i>	61	
<i>P. & R. Ry. Co. v. (Hours of Service Case)</i>	48	
Pullman Co. <i>v.</i>	63	
<i>v. Reichmann</i>	31	
Russe & Burgess <i>v.</i>	43	
<i>S. C. Ry. Co. v. (Orange Routing Case)</i>	27	
<i>S. P. Co. v. (Intermountain Case—Reno)</i>	68	
<i>v. S. P. Co. (Iron Rate Case)</i>	22	
<i>v. S. P. Co. (Kearney Case)</i>	25	
<i>v. S. P. Co. (Orange Routing Case)</i>	27	
<i>S. P. Co. v. (Sacramento Rate Case)</i>	71	
<i>S. P. Co. v. (Willamette Valley Lumber Case)</i>	43	
<i>S. P. T. Co. v. (Galveston Wharfage Case)</i>	45	
<i>v. S. Ry. Co. (Danville Case)</i>	25	
<i>v. S. Ry. Co. (Piedmont Case)</i>	22	
<i>v. Stickney (Chicago Terminal Switching Case)</i>	30	
<i>v. T. & P. Ry. Co. (Import Rate Case)</i>	9	
Thompson Lumber Co. <i>v.</i>	42	
<i>v. U. P. R. R. Co. (Northwestern Lumber Case)</i>	59	
United States ex rel. American Steel & Wire Co. <i>v.</i>	92	
United States ex rel. <i>v. C. & O. Ry. Co. (C. & O. Coal Case)</i>	29	
<i>v. United States ex rel. Humboldt Steamship Co.</i>	66	
United States ex rel. Louisville Cement Co. <i>v.</i>	91	
United States ex rel. Snell <i>v.</i>	92	
Wells, Fargo & Co. <i>v.</i>	51	
<i>v. W. & A. R. R. Co. (Georgia Commission Cases)</i>	15	
<i>v. W. N. Y. & P. R. R. Co.</i>	16	
<i>W. & L. C. Ry. Co. v.</i>	82	
Iron Rate Case	21	
Jacoby <i>v. P. Co.</i>	72	
Jacoby <i>v. P. R. R. Co.</i>	72	
James & Mayer Buggy Co. <i>v. C., N. O. & T. P. Ry. Co.</i>	11	
Jobbers & Manufacturers Asso. of Pacific Coast <i>v. S. P. Co.</i>	64	
Kahn <i>v. I. C. C.</i>	39	
Kalispell Lumber Co. <i>v. G. N. Ry. Co.</i>	57	
Kansas City Board of Trade <i>v. United States</i>	80	
Kansas City Southern Ry. Co., Arkansas Fertilizer Co. <i>v.</i>	89	
Kansas City Southern Ry. Co. <i>v. United States (Abandoned Property Case)</i>	38	
Kearney Case	25	
Kellogg Toasted Corn Flake Co. <i>v. M. C. R. R. Co.</i>	89	
Kentucky & Indiana Bridge Co. <i>v. L. & N. R. R. Co.</i>	7	
Kindel <i>v. N. Y., N. H. & H. R. R. Co.</i>	56	
Kiser Co. <i>v. C. of Ga. Ry. Co.</i>	62	
Knapp, Hooker & Williamson <i>v.</i>	64	
Knapp <i>v. Lake Shore & Michigan Southern Ry. Co. (Mandamus Case)</i>	35	
La Grange Case	24	
Lake Shore & Michigan Southern Ry. Co., Flint & Walling Mfg. Co. <i>v.</i>	50	
Lake Shore & Michigan Southern Ry. Co., I. C. C. <i>v. (Hay Classification Case)</i>	27	

	Page.
Lake Shore & Michigan Southern Ry. Co., Knapp <i>v.</i>	35
Lake Shore & Michigan Southern Ry. Co., National Hay Asso. <i>v.</i>	27
Leadville Beer Case.....	49, 61
Lehigh Valley R. R. Co. <i>v.</i> Clark.....	55
Lehigh Valley R. R. Co., Coxe Bros. & Co. <i>v.</i>	10
Lehigh Valley R. R. Co., Flour City Steamship Co. <i>v.</i>	88
Lehigh Valley R. R. Co., I. C. C. <i>v.</i> (Coxe Bros. Coal Case).....	10
Lehigh Valley R. R. Co. <i>v.</i> I. C. C. (Hours of Service Case).....	48
Lehigh Valley R. R. Co., Meeker & Co. <i>v.</i>	77
Lehigh Valley R. R. Co., Naylor & Co. <i>v.</i>	54
Lehigh Valley R. R. Co. <i>v.</i> United States (Anthracite Coal Case—Meeker).....	77
Lehigh Valley R. R. Co., U. S. <i>v.</i> (Commissions to Import Agents).....	93
Lehigh Valley R. R. Co., United States <i>ex rel.</i> Flour City Line <i>v.</i>	88
Lemon Case.....	66
Lighterage Allowance Case—Federal Sugar.....	53
Loftus <i>v.</i> Pullman Co.	63
Long Island R. R. Co., United States <i>ex rel.</i> Morrison <i>v.</i>	22
Los Angeles, Associated Jobbers of, <i>v.</i> A., T. & S. F. Ry. Co.....	63
Louisiana & Pacific Ry. Co., A., T. & S. F. Ry. Co. <i>v.</i>	82
Louisiana & Pacific Ry. Co. <i>v.</i> United States.....	81
Louisiana & Pacific Ry. Co., United States <i>v.</i>	82
Louisiana R. R. Commission <i>v.</i> St. L. S. W. Ry. Co.	80
Louisville & Nashville R. R. Co., Behlmer <i>v.</i> (Summerville Hay Case).....	20
Louisville & Nashville R. R. Co., Bowling Green Business Men's Protective Asso. <i>v.</i>	88
Louisville & Nashville R. R. Co., Brewer & Hanleiter <i>v.</i>	23
Louisville & Nashville R. R. Co., Callaway <i>v.</i>	24
Louisville & Nashville Coal & Coke Rates.....	89
Louisville & Nashville R. R. Co. <i>v.</i> Dickerson.....	56
Louisville & Nashville R. R. Co., Gerke Brewing Co. <i>v.</i>	18
Louisville & Nashville R. R. Co., In re Rates on Coal by.....	11
Louisville & Nashville R. R. Co., <i>v.</i> I. C. C. (La Grange Case).....	24
Louisville & Nashville R. R. Co., I. C. C. <i>v.</i> (Manufacturers' Coal Rate Case).....	11
Louisville & Nashville R. R. Co., I. C. C. <i>v.</i> (Middlesborough Beer Case).....	18
Louisville & Nashville R. R. Co., <i>v.</i> I. C. C. (New Orleans Board of Trade Case).....	61
Louisville & Nashville R. R. Co., I. C. C. <i>v.</i> (Tifton Case).....	28
Louisville & Nashville R. R. Co., K. & I. Bridge Co. <i>v.</i>	7
Louisville & Nashville R. R. Co., Louisville Cement Co. <i>v.</i>	91
Louisville & Nashville R. R. Co., Lucas & Co. <i>v.</i>	36
Louisville & Nashville R. R. Co., Mayor & Council of Tifton, <i>v.</i>	26
Louisville & Nashville R. R. Co., New Orleans Board of Trade <i>v.</i>	61
Louisville & Nashville R. R. Co., R. R. Commission of Georgia <i>v.</i>	14
Louisville & Nashville R. R. Co., Rosenbaum Bros. <i>v.</i>	78
Louisville & Nashville R. R. Co., St. Louis Hay & Grain Co. <i>v.</i>	36
Louisville & Nashville R. R. Co., Shinkle, Wilson & Kreis Co. <i>v.</i> (Maximum Rate Case).....	19
Louisville & Nashville R. R. Co., Traffic Bureau of Nashville, <i>v.</i>	91
Louisville & Nashville R. R. Co. <i>v.</i> United States (Bowling Green Fourth Section Case).....	88
Louisville & Nashville R. R. Co. <i>v.</i> United States (Coal Rates).....	90
Louisville & Nashville R. R. Co., <i>v.</i> United States (Chicago Proportional Rate Case).....	78
Louisville & Nashville R. R. Co. <i>v.</i> United States (Nashville Case).....	91

	Page
Louisville & Nashville R. R. Co. v. United States (Transit Privilege Case)....	60
Louisville & Nashville R. R. Co., United States ex rel Attorney General, v. . .	94
Louisville & Nashville R. R. Co., United States ex rel. Stony Fork Coal Co. v. .	90
Louisville & Nashville R. R. Co., Woodward & Dickerson v.	65
Louisville Cement Co. v. L. & N. R. R. Co.	91
Louisville, New Albany & Chicago Ry. Co., Chicago Freight Bureau v. (Maximum Rate Case).....	19
Lucas & Co. v. L. & N. R. R. Co.	36
Lumber Manufacturers' Asso. of Western Oregon v. S. P. Co.	43
McClelen v. S. Ry. Co.	22
Mack Manufacturing Co. v. P., C., C. & St. L. Ry. Co.	80
Mack Manufacturing Co. v. United States.....	80
Mandamus Cases.....	22, 23, 35, 90, 91, 92, 94
Mansfield Ry. & Trans. Co., A., T. & S. F. Ry. Co. v.	85
Mansfield Ry. & Transportation Co. v. United States.....	85
Manufacturers' Coal Rate Case.....	11
Maricopa County Commercial Club v. S. F., P. & P. Ry. Co. (Intermountain Case—Phoenix).....	69
Maricopa County Commercial Club v. S. F., P. & P. Ry. Co. (Intermountain Case—Reno).....	68
Maximum Rate Case.....	19
Mayor & Council of Tifton v. L. & N. R. R. Co.	26
Meeker & Co. v. L. V. R. R. Co.	77
Memphis & Charleston R. R. Co., Behlmer v.	20
Merchants' Exchange of St. Louis, Traffic Bureau v. Chicago, B. & Q. R. R. Co.	32
Merchants' Exchange, Traffic Bureau of San Francisco v. S. P. Co.	71
Merchants' Union of Spokane Falls v. N. P. R. R. Co.	16
Meridith v. St. L. S. W. Ry. Co.	80
Metropolis Commercial Club v. I. C. R. R. Co.	93
Michigan Central R. R. Co., Kellogg Toasted Corn Flake Co. v.	89
Michigan Central R. R. Co., National Hay Asso. v.	27
Middlesborough Beer Case.....	18
Minneapolis Chamber of Commerce v. G. N. Ry. Co.	17
Minneapolis Grain Case.....	17
Missouri, Kansas & Texas Ry. Co. v. I. C. C. (Texas Live Stock Rate Case)...	37
Missouri, Kansas & Texas Ry. Co., Cattle Raisers Asso. of Texas v.	36
Missouri Pacific Ry. Co., Baer Bros. Mercantile Co. v.	49, 61
Missouri River Rate Case.....	50
Mobile & Ohio R. R. Co., Aberdeen Group Commercial Asso. v.	33
Mobile & Ohio R. R. Co., I. C. C. v.	33
Mobile & Ohio R. R. Co., Mobile Chamber of Commerce v.	87
Mobile & Ohio R. R. Co., St. Louis Hay & Grain Co. v.	35
Mobile Chamber of Commerce v. M. & O. R. R. Co.	87
Morrison, United States ex rel. v. Long Island R. R. Co.	22
Nashville, Chattanooga & St. Louis Ry. Co., Board of Trade of Hampton v.	25
Nashville, Chattanooga & St. Louis Ry. Co., Duncan & Co. v.	59
Nashville, Chattanooga & St. Louis Ry. Co., Edwards v.	34
Nashville, Chattanooga & St. Louis Ry. Co., I. C. C. v. (Colored Passenger Case).	38
Nashville, Chattanooga & St. Louis Ry. Co., I. C. C. v. (Hampton Case).....	26
Nashville, Chattanooga & St. Louis Ry. Co., United States ex rel Attorney	94
al v.	60
le Grain Exchange v. United States (Transit Privilege Case).....	60

	Page.
Nashville Traffic Bureau v. L. & N. R. R. Co.....	91
National Hay Asso. v. L. S. & M. S. Ry. Co.....	27
National Hay Asso. v. M. C. R. R. Co.....	27
Naylor & Co. v. L. V. R. R. Co.....	54
Nevada Railroad Commission v. S. P. Co. (Intermountain Case—Phoenix)....	69
Nevada Railroad Commission v. S. P. Co. (Intermountain Case—Reno).....	67
New Orleans Board of Trade v. L. & N. R. R. Co.....	61
Newport News Chamber of Commerce v. S. Ry. Co.....	86
Newport News Rate Case.....	86
New York & New England Ry. Co., N. Y. & N. Ry. Co. v.....	11
New York & Northern Ry. Co. v. N. Y. & N. E. R. R. Co.....	11
New York Board of Trade v. P. R. R. Co.....	9
New York Central & Hudson River R. R. Co., American Sugar Refining Co. v. (Lighterage Allowance Case).....	53
New York Central & Hudson River R. R. Co., Banner Milling Co. v.....	40
New York Central & Hudson River R. R. Co. v. I. C. C.....	40
New York Central & Hudson River R. R. Co. v. I. C. C. (Hecker-Jones-Jewell Case).....	51
New York Central & Hudson River R. R. Co. v. I. C. C. (Hours of Service Case)..<	47
New York, New Haven & Hartford R. R. Co. v. I. C. C. (Chesapeake & Ohio Coal Case).....	29
New York, New Haven & Hartford R. R. Co. v. I. C. C. (Hours of Service Case)..<	48
New York, New Haven & Hartford R. R. Co., Kindel v.....	56
New York, New Haven & Hartford R. R. Co. v. U. S. (Commutation Case)...	91
New York, Ontario & Western Ry. Co. v. I. C. C. (Hours of Service Case)....	46
New York, Philadelphia & Norfolk R. R. Co., Delaware State Grange v.....	10
New York, Philadelphia & Norfolk R. R. Co., I. C. C. v. (Delaware State Grange Case).....	10
Norfolk & Western Ry. Co., Corporation Commission of North Carolina v. (Winston-Salem Case).....	72
Norfolk & Western Ry. Co. v. United States (Winston-Salem Case).....	72
North Carolina Corporation Commission v. N. & W. Ry. Co. (Winston-Salem Case).....	72
Northeastern R. R. Co. of South Carolina, I. C. C. v. (Charleston Truck Farmers Case).....	21
Northeastern R. R. Co. of South Carolina, Truck Farmers' Asso. of Charleston v..<	21
Northern Pacific Ry. Co., City of St. Cloud v.....	24
Northern Pacific Ry. Co., City of Spokane v.....	70
Northern Pacific Ry. Co., Farmers' Loan & Trust Co. v.....	17
Northern Pacific Ry. Co. v. I. C. C. (Northwestern Lumber Cases).....	59
Northern Pacific Ry. Co. v. I. C. C. (Portland Gateway Case).....	59
Northern Pacific R. R. Co., I. C. C. v. (Raworth Case).....	13
Northern Pacific Ry. Co., I. C. C. v. (St. Cloud Case).....	24
Northern Pacific R. R. Co., Merchants' Union of Spokane Falls v.....	16
Northern Pacific Ry. Co. v. Pacific Coast Lumber Mfrs. Asso.....	58
Northern Pacific Ry. Co., Potlatch Lumber Co. v.....	57
Northern Pacific Ry. Co., Raworth v.....	13
Northern Pacific Ry. Co., Southwest Washington Lumber Mfrs. Asso. v.....	58
Northern Pacific Ry. Co., Tileston Milling Co. v.....	24
Northwestern Lumber Cases.....	57
Ocean Steamship Co., I. C. C. v. (Georgia Commission Cases).....	15
Ocean Steamship Co. Railroad Commission of Georgia v.....	14
O'Gara Coal Co. v. United States.....	79

	Page.
Ohio Oil Co. v. United States.....	87
Omaha & Council Bluffs Ry. & Bridge Co., West End Improvement Club v...	62
Omaha & Council Bluffs Street Ry. Co. v. I. C. C.....	62
Omaha Commercial Club v. A. & S. R. Ry. Co.....	66
Orange Routing Case.....	26
Oregon & Washington Lumber Mfrs. Asso. v. S. P. Co. (Willamette Valley Lumber Case).....	44
Oregon & Washington Lumber Mfrs. Asso. v. U. P. R. R. Co.....	58
Pacific Coast Jobbers & Mfrs. Asso. v. S. P. Co.....	64
Pacific Coast Lumber Mfrs. Asso. v. N. P. Ry. Co.....	57
Page v. D. L. & W. R. R. Co.....	19
Party Rate Case.....	8
Peavey & Co., I. C. C. v.....	32
Peavey & Co. v. U. P. R. R. Co.....	32
Penn Refining Co. v. W. N. Y. & P. R. R. Co.....	16
Pennsylvania Co., Buffalo, Rochester & Pittsburgh Ry. Co. v.....	92
Pennsylvania Co., Jacoby v.....	72
Pennsylvania Co. v. United States.....	92
Pennsylvania R. R. Co., Bulah Coal Co. v.....	72
Pennsylvania R. R. Co., Clark Bros. Coal Mining Co. v.....	72
Pennsylvania R. R. Co., Hillsdale Coal & Coke Co. v.....	71
Pennsylvania R. R. Co., Independent Refiners Asso. of Titusville v.....	15
Pennsylvania R. R. Co., International Salt Co. of Illinois v.....	76
Pennsylvania R. R. Co. v. I. C. C. (Car Distribution Case).....	72
Pennsylvania R. R. Co. v. I. C. C. (Hours of Service Case).....	47
Pennsylvania R. R. Co., Jacoby v.....	72
Pennsylvania R. R. Co., New York Board of Trade v.....	9
Pfaelzer & Sons, Union Stock Yards & Transit Co., Proposed Contract between..	39
Philadelphia & Reading Ry. Co., Allentown Portland Cement Co. v.....	93
Philadelphia & Reading Ry. Co., Crane R. R. Co. v.....	56
Philadelphia & Reading Ry. Co., Hearst v.....	28
Philadelphia & Reading Ry. Co., I. C. C. v. (Baird Case).....	28
Philadelphia & Reading Ry. Co. v. I. C. C. (Cement Rate Case).....	93
Philadelphia & Reading Ry. Co. v. I. C. C. (Big Vein Coal Case).....	61
Philadelphia & Reading Ry. Co. v. I. C. C. (Hours of Service Case).....	48
Phoenix Case.....	69
Piedmont Case.....	22
Pipe Line Case.....	87
Pittsburgh, Cincinnati & St. Louis Ry. Co. v. B. & O. R. R. Co. (Party Rate Case).....	8
Pittsburgh, Cincinnati, Chicago & St. Louis Ry. Co., Mack Manufacturing Co. v.....	80
Portland Fourth Section Case.....	79
Portland Gateway Case.....	59
Portland, Oreg., Through Passenger Routes via.....	59
Potlatch Lumber Co. v. N. P. Ry. Co.....	57
Potlatch Lumber Co. v. S. F. & N. Ry. Co.....	57
Prairie Oil & Gas Co. v. United States.....	87
Precooling Case.....	75
Preston & Davis v. D., L. & W. R. R. Co.....	37
Private Car Demurrage Case.....	74
Procter & Gamble Co. v. C., H. & D. Ry. Co.....	28, 74

	Page.
Procter & Gamble Co. v. C., H. & D. Ry. Co. (Soap Classification Case).....	28
Procter & Gamble v. United States.....	74
Proportional Rate Case (Des Moines).....	60
Pullman Co. v. I. C. C.....	63
Pullman Co., Loftus v.....	63
Pulp & Paper Mfrs. Traffic Asso. v. C., M. & St. P. Ry. Co.....	90
Rahway Valley R. R. Co. v. D., L. & W. R. R. Co.....	45
Rail & River Coal Co. v. B. & O. R. R. Co.....	44
Railroad Commission of Florida v. S., F. & W. Ry. Co.....	12
Railroad Commissioners of Florida v. S. A. L. Ry. Co.....	52
Railroad Commission of Georgia v. C., N. O. & T. P. Ry. Co.....	14
Railroad Commission of Georgia v. Clyde Steamship Co.....	14
Railroad Commission of Georgia v. L. & N. R. R. Co.....	14
Railroad Commission of Georgia v. Ocean Steamship Co.....	14
Railroad Commission of Georgia v. South Carolina R. R. Co.....	14
Railroad Commission of Georgia v. W. & A. R. R. Co.....	14
Railroad Commission of Louisiana v. St. L. S. W. Ry. Co.....	80
Railroad Commission of Nevada v. S. P. Co. (Intermountain Case—Phoenix).....	69
Railroad Commission of Nevada v. S. P. Co. (Intermountain Case—Reno).....	67, 68
Raworth v. N. P. Ry. Co.....	13
Receivers & Shippers Asso. of Cincinnati v. C., N. O. & T. P. Ry. Co.....	64, 65
Reconsignment Case.....	35
Red Rock Fuel Co. v. B. & O. R. R. Co.....	37
Red Wing Linseed Co. v. C., M. & St. P. Ry. Co.....	55
Reichmann, I. C. C. v.....	31
Reno Case.....	67, 68
Reports of Water Carriers.....	72-74
Restricted Rate Case.....	75
Robert D. Benson v. United States.....	87
Rosenbaum Bros. v. L. & N. R. R. Co.....	78
Russe & Burgess v. I. C. C. (Burgess Lumber Case).....	43
Sacramento Rate Case.....	71
St. Cloud v. N. P. Ry. Co.....	24
St. Louis Blast Furnace Co. v. Virginian Ry. Co.....	78
St. Louis Hay & Grain Co. v. L. & N. R. R. Co.....	36
St. Louis Hay & Grain Co. v. M. & O. R. R. Co.....	35
St. Louis Hay & Grain Co. v. S. Ry. Co.....	36
St. Louis, Iron Mountain & Southern Ry. Co., Arkansas Fertilizer Co. v.....	89
St. Louis, Iron Mountain & Southern Ry. Co. v. U. S.....	93
St. Louis Southwestern Ry. Co., Meridith v.....	80
St. Louis Traffic Bureau, Merchants Exchange v. C., B. & Q. R. R. Co.....	32
St. Louis Traffic Bureau, Merchants Exchange v. C., B. & Q. R. R. Co. (Elevation Allowance Case).....	32, 79
Salt Lake City Commercial Club, Traffic Bureau v. A., T. & S. F. Ry. Co....	70
San Bernardino Board of Trade v. A., T. & S. F. Ry. Co.....	9
San Francisco Switching Case.....	64
San Francisco Traffic Bureau of Merchants' Exchange v. S. P. Co.....	71
Santa Fe Pacific R. R. Co. v. I. C. C.....	27
Santa Fe, Prescott & Phoenix Ry. Co. v. Maricopa County Commercial Club (Intermountain Cases).....	68, 69
Savannah, Florida & Western Ry. Co., Florida Fruit Exchange v.....	12
Savannah, Florida & Western Ry. Co., Railroad Commission of Florida v.....	12
Seaboard Ry. Co., U. S. ex rel. I. C. C., v.....	23

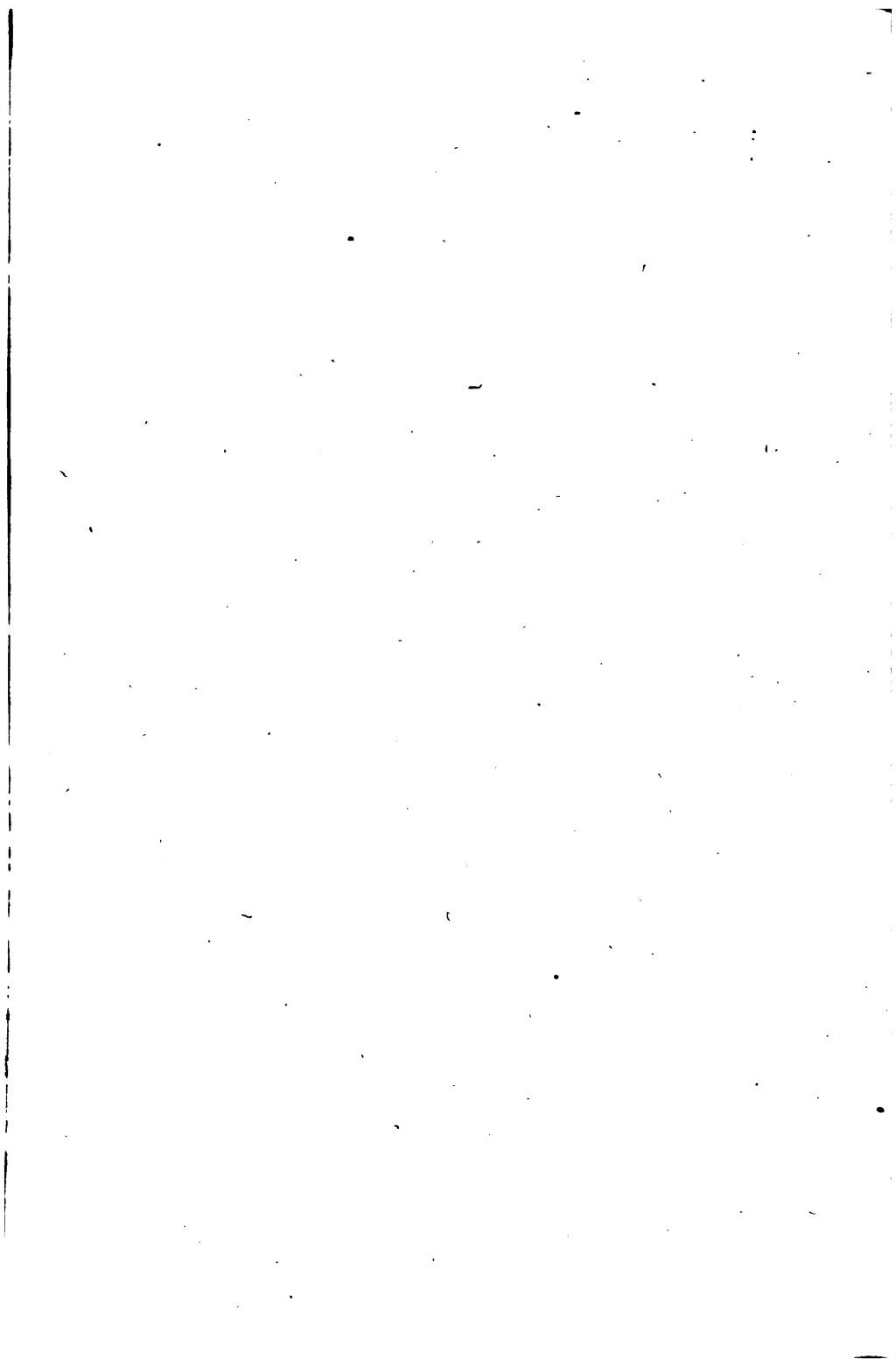
	Page.
Seaboard Air Line Ry. Co., Railroad Commissioners of Florida v.	52
Shinkle, Wilson & Kreis Co. v. L. & N. R. R. Co. (Maximum Rate Case).	19
Shoe Case.	62
Shreveport Case.	80
Sibley, Lake Bisteneau & Southern Ry. Co. v. United States.	83
Sidetrack Connecting Case.	37
Sleeping Car Case.	63
Soap Classification Case.	28
Social Circle Case.	11
South Carolina R. R. Co., Railroad Commission of Georgia v.	14
Southern California Fruit Exchange v. S. P. Co.	26
Southern California Ry. Co. v. I. C. C. (Orange Routing Case).	27
Southern Lumber Case (Omaha).	66
Southern Pacific Co. v. Arlington Heights Fruit Co.	67
Southern Pacific Co., Arlington Heights Fruit Exchange v. (Precooling Case).	75
Southern Pacific Co., Arlington Heights Fruit Exchange v.	67
Southern Pacific Co., Colorado Fuel & Iron Co. v.	21
Southern Pacific Co., Consolidated Forwarding Co. v.	26
Southern Pacific Co., Darnell-Taenzer Lumber Co. v. (Burgess Lumber Case).	43
Southern Pacific Co., Eichenberg v.	45
Southern Pacific Co. v. I. C. C. (Sacramento Rate Case).	71
Southern Pacific Co. v. I. C. C. (San Francisco Switching Case).	64
Southern Pacific Co. v. I. C. C. (Willamette Valley Lumber Case).	43
Southern Pacific Co. v. I. C. C. (Intermountain Case—Reno).	68
Southern Pacific Co., I. C. C. v. (Iron Rate Case).	22
Southern Pacific Co., I. C. C. v. (Kearney Case).	25
Southern Pacific Co., I. C. C. v. (San Francisco Switching Case).	64
Southern Pacific Co. v. I. C. C. (Orange Routing Case).	27
Southern Pacific Co., Oregon & Washington Lumber Mfrs. Asso. v.	44
Southern Pacific Co., Pacific Coast Jobbers & Mfrs. Asso. v.	64
Southern Pacific Co., Railroad Commission of Nevada v. (Intermountain Case—Phoenix).	69
Southern Pacific Co., Railroad Commission of Nevada v. (Intermountain Case—Reno).	67, 68
Southern Pacific Co., Southern California Fruit Exchange v.	26
Southern Pacific Co., Traffic Bureau of Merchants' Exchange of San Francisco v.	71
Southern Pacific Co. v. United States (Portland Fourth Section Case).	79
Southern Pacific Co. v. United States (Willamette Valley Lumber Case).	44
Southern Pacific Co., Western Oregon Lumber Mfrs. Asso. v.	43
Southern Pacific Terminal Co. v. I. C. C. (Galveston Wharfage Case).	45
Southern Ry. Co., Chamber of Commerce of Augusta v.	78
Southern Ry. Co., Chamber of Commerce of Chattanooga v.	18
Southern Ry. Co., Chamber of Commerce of Newport News v.	86
Southern Ry. Co., City of Danville v.	25
Southern Ry. Co., I. C. C. v. (Danville Case).	25
Southern Ry. Co., I. C. C. v. (Piedmont Case).	22
Southern Ry. Co., McClelen v.	22
Southern Ry. Co. v. St. Louis Hay & Grain Co.	36
Southern Ry. Co. v. Tift.	34
Southern Ry. Co. v. United States (Coke Case).	78
Southern Ry. Co. v. United States (Mobile Wharfage Case).	87
Southern Ry. Co. v. United States (Newport News Rate Case).	86

	Page.
Southwest Washington Lumber Mfrs. Asso. v. N. P. Ry. Co.....	58
Spokane Case (Old Commission).....	16, 17
Spokane, City of, v. N. P. Ry. Co.....	70
Spokane Falls & Northern Ry. Co., Potlatch Lumber Co. v.....	57
Spokane Falls Merchants' Union v. N. P. R. R. Co.....	16
Standard Oil Co. v. United States (Pipe Line Case).....	87
Standard Oil Co. of Louisiana v. United States (Pipe Line Case).....	87
Station Facilities Case.....	37
Stickney v. I. C. C. (Chicago Terminal Switching Case).....	30
Stone & Carten v. D., G. H. & M. Ry. Co.....	8
Stony Fork Case.....	90
Street Railway Case.....	62
Summerville Hay Case.....	20
Switching Case (Los Angeles).....	63
Switching Case of San Francisco.....	64
Tap Line Cases.....	81, 82, 83, 84, 85
Tariff Asso. of Wilmington v. C. P. & V. R. R. Co.....	26
Terminal Delivery Case (Los Angeles).....	63
Terminal Delivery Case (San Francisco).....	64
Texas & Pacific Ry. Co., Hope Cotton Oil Co. v.....	35
Texas & Pacific Ry. Co. v. I. C. C. (Import Rate Case).....	9
Texas & Pacific Ry. Co. v. United States (Shreveport Case).....	81
Texas Cattle Raisers Asso. v. M., K. & T. Ry. Co.....	36
Texas Cattle Raisers Asso. v. United States.....	37
Texas Live Stock Rate Case.....	36
Thompson Lumber Co. v. I. C. R. R. Co.....	41
Thompson Lumber Co. v. I. C. C.....	42
Tift v. S. Ry. Co.....	34
Tifton Mayor & Council v. L. & N. R. R. Co.....	26
Tileston Milling Co. v. N. P. Ry. Co.....	24
Titusville, Independent Refiners' Asso. v. P. R. R. Co.....	15
Titusville, Independent Refiners' Asso. v. W. N. Y. & P. R. R. Co.....	15
Traer v. I. C. R. R. Co.....	40
Traer, Receiver of Illinois Collieries Co., v. C. & A. R. R. Co.....	40
Traffic Bureau, Merchants' Exchange of St. Louis, v. C., B. & Q. R. R. Co... 32,	79
Traffic Bureau of Merchants' Exchange of San Francisco v. S. P. Co.....	71
Traffic Bureau of Nashville v. L. & N. R. R. Co.....	91
Traffic Bureau of Salt Lake City Commercial Club v. A., T. & S. F. Ry. Co... 70	70
Trammell v. Clyde Steamship Co. (Georgia Commission Cases).....	14
Transcontinental Freight Bureau, Burgess v.....	42
Transfer of Sugar, In re Allowances for.....	53
Transit Privilege Case.....	59
Troy Board of Trade v. A. M. Ry. Co.....	18
Truck Farmers' Asso. of Charleston v. N. E. R. R. Co. of S. C.....	21
Uncle Sam Oil Co. v. United States.....	87
Union Pacific R. R. Co., in re Allowances to Elevators.....	31
Union Pacific R. R. Co. v. I. C. C. (Northwestern Lumber Cases).....	59
Union Pacific R. R. Co. v. Oregon & Washington Lumber Mfrs. Asso.....	58
Union Pacific R. R. Co. v. Peavey & Co.....	32
Union Pacific R. R. Co. v. United States (Intermountain Case—Spokane).....	71
Union Stock Yards & Transit Co., United States v.....	39
Union Stock Yards & Transit Co., Pfaelzer & Sons Co., Proposed Contract between	39
Union Stock Yards, United States v.....	40

	Page.
United States, Anaconda Copper Mining Co. <i>v.</i>	75
United States, Arkansas Fertilizer Co. <i>v.</i>	89
United States, A., T. & S. F. Ry. Co. <i>v.</i> (Intermountain Case—Phoenix).....	69
United States, A., T. & S. F. Ry. Co. <i>v.</i> (Intermountain Case—Reno).....	68
United States, A., T. & S. F. Ry. Co. <i>v.</i> (Lemon Case).....	67
United States <i>v.</i> B. & O. R. R. Co. (Lighterage Allowance Case—Federal Sugar).....	54
United States, A., T. & S. F. Ry. Co. <i>v.</i> (Precooling Case).....	75
United States, A., T. & S. F. Ry. Co. <i>v.</i> (Southern Lumber Case—Omaha).....	66
United States, B. & O. R. R. Co. <i>v.</i> (Restricted Rate Case).....	76
United States <i>v.</i> B. & O. S. W. R. R. Co. (Cincinnati & Columbus Traction Case).....	76
United States <i>v.</i> B. C. R. R. Co. (Tap Line Case).....	84
United States, Cattle Raisers' Asso. of Texas <i>v.</i>	37
United States <i>v.</i> C. R. R. Co. of N. J.	89
United States, Chamber of Commerce of Augusta <i>v.</i>	78
United States, Chicago Junction Ry. Co. <i>v.</i>	40
United States, Crane Iron Works <i>v.</i>	56
United States, Davis <i>v.</i>	80
United States, D. & R. G. R. R. Co. <i>v.</i> (Intermountain Case—Salt Lake).....	70
United States <i>v.</i> E. R. R. Co.	92
United States, Florida East Coast Ry. Co. <i>v.</i>	53
United States, G., H. & S. A. Ry. Co. <i>v.</i>	91
United States, Houston, East & West Texas Ry. Co. <i>v.</i> (Shreveport Case).....	80
United States, I. C. R. R. Co. <i>v.</i> (Battle Creek Fourth Section Case).....	89
United States, International Salt Co. of Illinois <i>v.</i>	76
United States, K. C. S. Ry. Co. <i>v.</i> (Abandoned Property Case).....	38
United States, L. V. R. R. Co. <i>v.</i> (Anthracite Coal Case—Meeker).....	77
United States <i>v.</i> L. V. R. R. Co. (Commission to Import Agents).....	93
United States, L. & P. Ry. Co. <i>v.</i>	81, 82
United States <i>v.</i> L. & P. Ry. Co.	82
United States, L. & N. R. R. Co. <i>v.</i> (Bowling Green Fourth Section Case).....	88
United States, L. & N. R. R. Co. <i>v.</i> (Chicago Proportional Rate Case).....	78
United States, L. & N. R. R. Co. <i>v.</i> (Coal Rates).....	90
United States, L. & N. R. R. Co. <i>v.</i> (Nashville Case).....	91
United States, L. & N. R. R. Co. <i>v.</i> (Transit Privilege Case).....	60
United States, Mack Manufacturing Co. <i>v.</i>	80
United States <i>v.</i> Mansfield Ry. & Transportation Co.	85
United States, Nashville Grain Exchange <i>v.</i> (Transit Privilege Case).....	60
United States, N. Y., N. H., & H. R. R. Co. <i>v.</i> (Commutation Case).....	91
United States, N. & W. Ry. Co. <i>v.</i> (Winston-Salem Case).....	72
United States, O'Gara Coal Co. <i>v.</i>	79
United States, Ohio Oil Co. <i>v.</i>	87
United States, Pennsylvania Co. <i>v.</i>	92
United States <i>v.</i> Prairie Oil & Gas Co.	87
United States, Procter & Gamble <i>v.</i>	74
United States, Robert D. Benson <i>v.</i>	87
United States, St. Louis, Iron Mountain & Southern Ry. Co. <i>v.</i>	93
United States, S., L. B. & S. Ry. Co. <i>v.</i>	83
United States, S. P. Co. <i>v.</i> (Portland Fourth Section Case).....	79
United States, S. P. Co. <i>v.</i> (Willamette Valley Lumber Case).....	44
United States, S. Ry. Co. <i>v.</i> (Coke Case).....	78
United States, S. Ry. Co. <i>v.</i> (Mobile Wharfage Case).....	87
United States, S. Ry. Co. <i>v.</i> (Newport News Rate Case).....	86
United States, Standard Oil Co. <i>v.</i>	87

	Page.
United States, Standard Oil Co. of Louisiana v.....	87
United States, T. & P. Ry. Co. v. (Shreveport Case).....	81
United States v. Uncle Sam Oil Co.....	87
United States, U. P. R. R. Co. v. (Intermountain Case—Spokane).....	71
United States v. Union Stock Yards.....	39
United States v. Union Stock Yards & Transit Co.....	39
United States, United States Pipe Line Co. v.....	88
United States v. V., F. & W. R. R. Co.....	86
United States v. W. & L. C. Ry. Co.....	83
United States v. White Star Line.....	74
United States ex rel. American Steel & Wire Co. v. I. C. C.....	72
United States ex rel. Attorney General v. L. & N. R. R. Co.....	94
United States ex rel. Attorney General v. N., C. & St. L. Ry. Co.....	94
United States ex rel. Flour City Line v. L. V. R. R. Co.....	88
United States ex rel. Humboldt Steamship Co. v. I. C. C.....	65
United States ex rel. I. C. C. v. C. K. & S. R. R. Co.....	23
United States ex rel. I. C. C. v. Seaboard Ry. Co.....	23
United States ex rel. Knapp v. L. S. & M. S. Ry. Co.....	35
United States ex rel. Louisville Cement Co. v. I. C. C.....	91
United States ex rel. Morrison v. L. I. R. R. Co.....	22
United States ex rel. Snell v. Interstate Commerce Commission.....	92
United States ex rel. Stony Fork Coal Co. v. L. & N. R. R. Co.....	90
United States Pipe Line Co. v. United States.....	88
Victoria, Fisher & Western R. R. Co., A., T. & S. F. Ry. Co. v.....	86
Victoria, Fisher & Western R. R. Co. v. United States.....	86
Virginian Ry. Co., St. Louis Blast Furnace Co. v.....	78
Wabash R. R. Co., Export Shipping Co. v.....	51
Water Carriers' Reports.....	72, 73, 74
Water Line Employees' Pass Case.....	92
Wells Fargo & Co., California Commercial Asso. v.....	51
Wells Fargo & Co. v. I. C. C.....	51
West End Improvement Club v. O. & C. B. Ry. & Bridge Co.....	62
Western & Atlantic R. R. Co., I. C. C. v. (Georgia Commission Cases).....	15
Western & Atlantic R. R. Co., Railroad Commission of Georgia v.....	14
Western New York & Pennsylvania R. R. Co., Independent Refiners' Asso. of Titusville v.....	15
Western New York & Pennsylvania R. R. Co., I. C. C. v. (Penn Refining Case).....	16
Western New York & Pennsylvania R. R. Co. v. Penn Refining Co.....	16
Western Oregon Lumber Mfrs. Asso. v. S. P. Co.....	43
White Pass & Yukon Route, Humboldt Steamship Co. v. (Alaska Case).....	65
White Star Line v. United States (Report of Water Carriers).....	73, 74
Willamette Valley Lumber Cases.....	43
Wilmington Case.....	26
Wilmington Tariff Asso. v. C., P. & V. R. R. Co.....	26
Window Shades Case.....	19
Winston-Salem Case.....	72
Woodward & Dickerson v. L. & N. R. R. Co.....	55
Woodworth & Louisiana Central Ry. Co., A., T. & S. F. Ry. Co. v.....	83
Woodworth & Louisiana Central Ry. Co. v. I. C. C.....	82
Woodworth & Louisiana Central Ry. Co. v. United States.....	83
Yellow Pine Lumber Cases.....	33, 34

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